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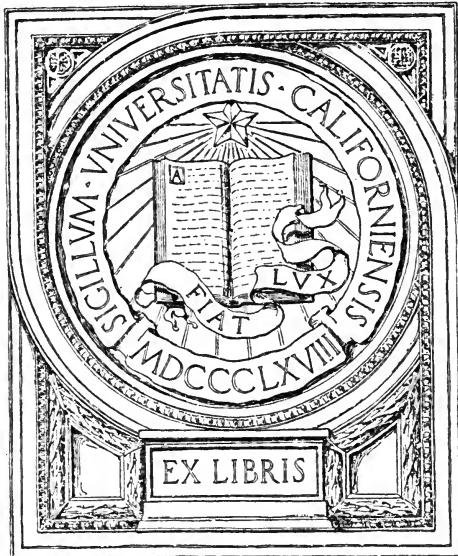
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# Charter of the City of Collinsville, Oklahoma

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Adopted January 9, 1914 and  
Approved January 19,  
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UNIV. OF  
CALIFORNIA

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# CHARTER FOR THE CITY OF COLLINSVILLE, OKLAHOMA

## PREAMBLE.

We, the people of the City of Collinsville, Rogers County, Oklahoma, a city of more than two thousand inhabitants, under the authority of the Constitution and laws of the State of Oklahoma, do ordain and establish this charter for the government of said city.

## Article I.

Name, Boundaries, Succession, Laws and Ordinances, Liabilities, Limitations, Exercise of Power.

Section 1. Name. The corporate name of the municipal corporation hereby continued shall be "City of Collinsville."

Sec. 2. All boundaries and limits to the City of Collinsville are hereby established and described as follows, and shall so remain until altered or changed in the manner hereinafter provided:

Beginning at the southeast corner of section twenty (20), township twenty-two (22) north, range 14 east, Indian meridian; thence north to the northeast corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of section twenty (20), township twenty-two (22) north, range 14 east; thence west to the northwest corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of section twenty (20), township twenty-two (22) north, range 14 east; thence north to the northeast corner of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of section twenty (20), township twenty-two (22) north, range 14 east; thence west to the northwest corner of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of section twenty (20), township twenty-two (22) north, range 14 east; thence south to the southwest corner of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  section twenty (20), township twenty-two (22) north, range 14 east; thence west to the northwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  section nineteen (19), township twenty-two (22) north, range 14 east; thence south

to the southwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  section thirty (30), township twenty-two (22) north, range 14 east; thence west to the northwest corner of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  section thirty (30), township twenty-two (22) north, range 14 east; thence south to the southwest corner of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  section thirty (30), township twenty-two (22) north, range 14 east; thence east to the southeast corner of section thirty (30), township twenty-two (22) north, range 14 east; thence south to the southwest corner of the NW $\frac{1}{4}$  section thirty-two (32), township twenty-two (22) north, range 14 east; thence east to the southeast corner of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of section thirty-two (32), township twenty-two (22) north, range 14 east; thence north to the northeast corner of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  section thirty-two (32), township twenty-two (22) north, range 14 east; thence east to the southeast corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  section thirty-two (32), township twenty-two (22) north, range 14 east; thence north to the northeast corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  section twenty-nine (29) township twenty-two (22) north, range 14 east; thence north to the northeast corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  section twenty-nine (29), township twenty-two (22) north, range 14 east; thence east to the southeast corner of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  section twenty-nine (29), township twenty-two (22) north, range 14 east; thence north to the northeast corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  section twenty-nine (29), township twenty-two (22) north, range 14 east; thence east to the southeast corner of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  section twenty-nine (29), township twenty-two (22) north, range 14

east; thence north to the southeast corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of section twenty-nine (29), township twenty-two (22) north, range 14 east; thence east to the southeast corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  section twenty-nine (29), township twenty-two (22) north, range 14 east; thence north to the place of beginning.

Sec. 3. Additions to Corporation by Petition. When a majority of the owners of an addition to the city, which adjoins the city limits, shall sign a petition, and file the same with the Board of Commissioners, asking that the corporate limits of the city be extended so as to include said addition, the Board of Commissioners shall enter said petition on their journal and shall pass a resolution extending the corporate limits so that the said addition shall be included therein and constitute a part of said corporation, and the inhabitants residing thereon and the owners thereof shall be subject to, and entitled to, all privileges of said corporation.

Sec. 4. Addition Without Petition. Whenever there shall be laid off and platted an addition adjoining the city and a record of the same is made in the Register of Deeds' office, the Board of Commissioners may by resolution extend the boundary of the city so as to include said addition; and the addition so annexed shall thereafter form a part of the city and be within the jurisdiction thereof.

Sec. 5. Addition of Unplatted Lands. Whenever the city shall desire to annex contiguous territory thereto not platted or laid (out) or recorded, they shall pass a resolution annexing said territory, and said resolution shall specify the territory annexed, with the boundaries thereof according to the survey, which resolution, or an attested copy thereof, shall be conclusive evidence in all courts of such annexation. Provided, however, that no land used for agricultural purposes shall be taken within the corporate limits of the city and taxed

to any greater rate than other adjoining lands without the corporate limits of the city; except when such lands shall be surrounded on three or more sides by the corporate limits of the city, then said lands may be taxed at the same rate as adjoining vacant lots within the corporate limits of the city.

Sec. 6. Publication and Recording of Plat. Whenever the city shall annex any territory as herein provided, the resolution shall be signed by the Chairman of the Board of Commissioners and attested by the other commissioners, and the seal of the city affixed thereto. Said resolution shall be published in one issue of one or more newspapers published in and of general circulation in the city. A copy of said resolution, together with the plat and map of survey defining the boundaries of such annexed territory, shall be filed in the office of the Register of Deeds of this county.

Sec. 7. Succession. The City of Collinsville shall continue a body politic and corporate and shall have perpetual succession; it shall retain, own, possess and control all records and documents, real and personal property, claims and demands of every kind and nature whatsoever, owned, controlled by or due to the City of Collinsville, at the time this charter becomes effective, and shall have power to prosecute all actions necessary to protect or recover the same.

Sec. 8. Laws and Ordinances. All provisions of the Constitution and laws of the State of Oklahoma, other than laws specially applicable to cities of the first class, in force at the time this charter becomes effective, or that may be thereafter adopted or enacted, all provisions of the laws of the State of Oklahoma, relative to cities of the first class, in force at the time this charter becomes effective, or that may be thereafter adopted, not inconsistent with the provision of this charter applicable to cities having a charter form of government, are hereby recognized as governing and controlling in and upon the

City of Collinsville. All ordinances, resolutions, or by-laws of the City of Collinsville at the time this charter becomes effective, not inconsistent with the provisions hereof, shall continue in full force and effect until amended or repealed in the manner provided by law.

Sec. 9. Liabilities. The City of Collinsville shall, and hereby does assume payment of all legal liabilities, debts, demands, bonds, or judgments of every kind or nature whatever, for which the City of Collinsville may be liable at the time this charter becomes effective, or that may thereafter accrue, but nothing herein shall be construed to legalize or validate any illegal or invalid demand, or impair any defense against the enforcement of the same.

Sec. 10. Limitations. (a) The enumeration herein of certain powers as being conferred upon the City of Collinsville shall not be construed as a limitation upon the right of the city to exercise other powers not specifically enumerated and all powers competent to be exercised by the City of Collinsville, under the Constitution and laws of the State of Oklahoma, not specifically denied herein, are reserved to the city.

(b) The City of Collinsville shall not dispose of, sell, rent or incur in any manner, any public utility, or any part thereof, without the approval of a majority of the qualified tax-paying electors of the city, voting at a general or special election called for that purpose, upon not less than twenty days' notice thereof.

(c) Tax-paying electors, as in this section provided, shall be held and construed to mean electors otherwise qualified whose names appear upon the current tax rolls as having rendered property, held or situated in the city and subject to taxation for city purposes, or who have a deed, recorded in the office of the Register of Deeds, to property situated in the city and subject to taxation for city purposes; and said deed

must have been recorded for thirty days or more prior to the election at which said party proposes to vote.

Sec. 11. Exercise of Powers. All the powers of the city shall be vested in and exercised by its Board of Commissioners, except as otherwise herein provided, subject to distribution and delegation in the manner herein provided.

Sec. 12. General Powers. The City of Collinsville made a body politic and corporate by this charter, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places, and in all matters whatever, may take, hold and purchase lands as may be needed for corporate purposes of this city, and may sell any real estate or personal property owned by it; perform and render all public services, and, when deemed expedient, may condemn property for public use, within or without the city; and may hold, manage and control the same; but in every case the city shall make the person or persons whose property shall be taken or injured thereby, adequate compensation therefor, in the manner and method of such condemnation and the method of ascertaining the compensation therefor as is now or shall hereafter be provided by the general laws of the State of Oklahoma.

Sec. 13. The City of Collinsville shall have power to enact and to enforce ordinances necessary to protect health, life and property and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order and security of the city and the inhabitants of said city, and to enact and enforce any and all ordinances upon any subject; provided that no ordinance shall be enacted inconsistent either with the Constitution or laws of the State of Oklahoma, or inconsistent with the provisions of this charter; and, provided further, that the specifications of particular powers here-

in authorized shall never be construed as a limitation upon the general powers herein granted, it being intended by this charter to grant to and bestow upon the inhabitants of the City of Collinsville full power of self-government, and it shall have and exercise all powers of municipal government not prohibited to it by this charter, or by some general law of the State of Oklahoma, or by the provisions of the Constitution of the State of Oklahoma.

Sec. 14. All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, market houses, fire engine stations, public squares, parks, streets, alleys, and all property of whatever kind, character and description which has been granted, donated purchased or otherwise acquired by the City of Collinsville, through any means or agency, and all causes of action, cases in action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held, and is now held, controlled or used by the said City of Collinsville for public uses or in trust of the public, shall vest in, and remain in and inure to the said corporation, the City of Collinsville, under this charter; and all suits and pending actions to which the City of Collinsville heretofore was, or now is, a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this charter, but shall continue unabated.

Sec. 15. Platting Property. Should any property lying within the city limits, as established by this charter, or be hereafter annexed, be hereafter platted into blocks and lots, then and in that event the owners of said property shall plot and lay the same off to conform with the streets and lots abutting the same, and shall file with the City Engineer a correct map of same; provided, that in no case shall the City of Collinsville be required to pay for any of said streets at whatever date opened,

but when opened by reason of the platting of said property at whatever date platted, they shall become by such act the property of the City of Collinsville for use as public highways and may be cared for as such.

## Article II.

Elective Officers, Term of Office, Elections, Vacancies in Office, Distribution of Powers, Organization, Legislative Body, Legislative Powers, Compensation, Oath and Bond.

Section 1. Elective Officers. The elective officers of the City of Collinsville shall be three (3) Commissioners and said Commissioners shall compose the Board of Commissioners, in which all power of the government of the City of Collinsville shall be vested; provided, that the executive and judicial powers shall be vested in a Business Manager under such rules and regulation as hereinafter provided by this charter, and as may be fixed by ordinance, not inconsistent with the provisions of this charter; provided, that his acts, before binding upon the city, must be confirmed by the Board of Commissioners in open meeting to the public.

Sec. 2. Qualification. Each member of the Board of Commissioners shall be elected at large by the qualified electors of the city. No person shall be eligible to the office of Commissioner unless he shall have been a resident of the city for at least one (1) year prior to his election. He shall be a qualified tax-paying voter and freeholder of the city. He shall be a person of good moral character, not in litigation with the city when elected, and not the owner of any stocks, bonds or shares of any public service corporation doing business in the city, and not under twenty-five (25) years of age.

Sec. 3. Term of Office. The term of office of each Commissioner shall be for three (3) years and shall commence on the first Monday in May after his election, except as hereinafter provided.



He shall continue in office until his successor shall be elected and qualified, except as hereinafter provided.

Sec. 4. Elections. An annual election shall be held on the first Wednesday in April of each year, at which there shall be elected a successor to the Commissioner whose term expires on the first Monday of the May following. He shall hold his office for three years and until his successor is elected and qualified, except as herein provided.

Sec. 5. Vacancies in Office. A vacancy shall exist when an elective officer fails to qualify within ten days after notice of his election, dies, resigns, removes from said city, absents himself therefrom for a period of one month, except on account of sickness, is convicted of a felony, becomes a habitual drunkard, or judicially declared a lunatic. If the office of Commissioner shall become vacant for any cause, the legislative body shall appoint some eligible person to fill such vacancy, who shall hold said office until the next regular municipal election; if such term be not then at an end, a successor shall be elected to fill such unexpired term; such appointed officer shall hold his office until his successor is elected and qualified. All elective officers and those appointed to fill vacancies, as herein provided, shall hold their respective offices subject to the provisions of the recall, as herein provided, or to be removed from office as provided by law.

Sec. 6. Distribution of Power. The Board of Commissioners shall constitute the Legislative Body, and all legislative power shall be vested in said Board of Commissioners.

The first Board of Commissioners elected under the provisions of this charter at their first meeting shall elect one of their number as Chairman of the Board of Commissioners, and a chairman shall be elected at the meeting on the First Monday in May of each year thereafter for a period of one year. The chairman shall preside at all meetings

of the Board of Commissioners, except in his absence the member of longest service shall act as chairman. He shall sign all ordinances, papers and documents as "Chairman of the Board of Commissioners," and the same shall be attested by one of the other Commissioners. They shall levy and collect general, special assessment, license, occupation taxes as may be necessary for the general operative expenses of the city and for the purpose of accumulations to the sinking and interest funds as provided by law. They shall collect the fines imposed by the Police Court, revenues from all public property and apportion same to the proper funds.

They shall have supervision of all streets, alleys, cemeteries, parks, and all other public property and shall maintain and improve the same. They shall cause all street duty to be performed or collect the money due in lieu thereof. They shall make monthly reports which shall be substantially in the same form as the report now made by the City Treasurer to the City Clerk, and said report shall become a part of their records and shall be subject to inspection by the public at all reasonable hours. They shall create by ordinance such offices from time to time as they may deem necessary to carry out the provisions of this charter, define duties of such office, and delegate to such officer such power and authority for the execution of the duties of said office. No officer shall ever be appointed or any person employed for any definite time and their salary or compensation shall be definitely fixed at the time of their appointment or employment. The Chairman of the Board of Commissioners shall preside at all meetings of the board, but he shall not be vested with the veto power. The Board of Commissioners shall enact and adopt all by-laws, ordinances, rules and regulations for the government of the city. No funds belonging to the city shall be

disbursed until regularly appropriated by the Board of Commissioners.

Sec. 7. Business Manager. The office of Business Manager is hereby created. He shall be vested with the executive and judicial power and authority of the city, subject to supervision and control by the Board of Commissioners; he shall be solely responsible to the Board of Commissioners for the efficiency of all departments. He shall make the nominations for appointment to all offices which shall be confirmed by the Board of Commissioners. If the first nomination shall not be confirmed he shall make a second and so on until a nomination is confirmed. He shall not later than the fifth (5th) day of every month make a financial statement to the Board of Commissioners which shall be in substantially the same form as is now made by the City Treasurer to the City Clerk. He shall be appointed at the first meeting of the Board of Commissioners or as soon thereafter as practical, but he shall not be appointed for any definite time, but shall tender his resignation at any time when demanded by the Board of Commissioners in writing signed by two (2) or all members of the board. He may tender his resignation at any time that he so desires. Immediately upon the tendering of his resignation, either of his own volition or when so requested by the board, the Board of Commissioners shall cause his books, records and accounts to be audited by some competent person, firm or corporation, and if found to be correct and all moneys belonging to the city that have come into his hands by reason of appointment to said office, and that he has fulfilled the obligation of his office in accordance with the provisions of this charter and ordinance governing said office, then the Board of Commissioners shall accept his resignation and in writing release him and his sureties shall be released from further obligation; provided, that if any criminal action in his administration be

discovered at any future time, he may be prosecuted under the laws of the state, and any financial loss sustained by the city may be recovered by civil action against him in any court of competent jurisdiction, but in no case shall his sureties be held liable after they have been released by the Board of Commissioners. He shall have supervision of all appointive officers.

He shall give bond unto the City of Collinsville, Oklahoma, conditioned upon the faithful, correct and impartial execution, discharge and performance of the duties of said office during his continuance in office by virtue of his appointment to said office, without fraud, deceit or oppression, and shall pay over all moneys that shall come into his hands by virtue of said office, and shall deliver unto the Board of Commissioners all moneys, deeds, records, maps, mortgages, writs, paper and property of every character belonging to his office at the expiration of his term of office. Said bond shall be in the sum of Ten Thousand (\$10,000.00) Dollars to be executed by some solvent Surety Company, authorized by law to do business in the State of Oklahoma, said bond to be approved by the Board of Commissioners who shall be responsible for its safe keeping. In the event funds of the city shall accumulate in his hands in excess of the amount of his bond as herein provided, the Board of Commissioners shall require him to execute an additional bond sufficient to cover such additional amount of money, said bond to be executed as the above named bond; provided, that the Board of Commissioners may accept a personal bond in lieu of a bond made by a Surety Company; provided that each surety shall qualify for a specific amount as provided by law.

Sec. 8. Claims. All claims against the city must be presented in writing with a full account of the items, and verified by the oath or affirmation of the claimant, or his agent, that the

same is correct, reasonable and just, and no claim or demand shall be audited or allowed, unless presented and verified, as provided for in this section; provided, no costs shall be recovered against the city in any action brought against it, for any unliquidated claim, which has not been presented to the Board of Commissioners to be audited, nor upon claims allowed in part unless the recovery shall be for a greater sum than the amount allowed with the interest due. Provided, further, that no action shall be maintained against the city, in exercising or failing to exercise, any corporate power or authority in any case where such action would not lie against a private individual under like circumstances.

Sec. 9. Oath and Bonds. Each Commissioner shall qualify before entering upon the discharge of the duties of his office by taking the oath of office required by law and entering into a good and sufficient bond in the sum of \$5,000 to be executed by some solvent Surety Company, the premium to be paid by the city, for the faithful discharge of the duties of his office; such bond to be approved by the Judge of the County Court of Rogers County, Oklahoma, and when so approved, to be deposited in the office of the Clerk of said County Court. All officers, agents and employees of the city, except the Commissioners and Business Manager, shall enter into such bond as may be required by the Board of Commissioners, and such bonds shall be approved by them and be kept as a part of the records of their office.

All bonds, whether made by a Surety Company or personal bond, shall be made in substantially the following form:

File No.....

OFFICIAL BOND.

of

as

## SECURITIES

Filed ..... 19....

..... Official Title.

By .....

..... Official Title.

State of Oklahoma, County of Rogers,

City of Collinsville, ss:

The foregoing bond of.....  
as.....in and for said city  
was this day approved.

Dated.....19....

..... Official Title.

## OATH OF OFFICE

I, ..... do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid or contributed either directly or indirectly any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or permitted it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law. And I further swear (or affirm) that I will not receive, use, or travel upon any free pass or on free transportation during my term of office.

Sworn to and subscribed before me,  
this .....day of.....  
A. D., 19....

My commission expires.....

..... Official Title.

# CERTIFICATE OF RECORD

State of Oklahoma, County of Rogers,  
City of Collinsville.

I, .....in and for  
said city do hereby certify that the  
foregoing Bond and Oath of Office,  
dated the.....day of.....  
19...., was filed for record in my office  
this .....day of.....  
A. D., 19...., at.....o'clock...M.,  
and duly recorded the.....day  
of.....A. D., 19...., at....  
o'clock.....M., in the Official Bond  
Records of said city..... in Vol.  
.....on page.....

Witness my hand and official seal, at  
office in Collinsville, Oklahoma, the day  
and year last above written.

..... Official Title.

By.....  
State of Oklahoma, County of Rogers,  
City of Collinsville.

Know All Men By These Presents:

That we .....as  
Principal and .....

.....  
as Securities are held and firmly bound  
unto the City of Collinsville, Oklahoma,  
in the sum of.....Dollars,  
for the payment of which we hereby  
bind ourselves, our heirs, executors and  
administrators, jointly and severally by  
these presents.

Whereas, the above bounden.....  
..... was  
duly.....to office of.....  
in the City of Collinsville of the County  
of Rogers in the State of Oklahoma, on  
the.....day of ....., 19....

Now, therefore, The condition of this  
obligation is such that if the said....  
..... shall  
.....  
then this obligation shall be void; other-

wise to remain in full force and effect.

In testimony whereof, witness our  
hands, this.....day of.....  
19....

.....  
.....  
.....  
State of Oklahoma, County of Rogers.

The undersigned Surities on the fore-  
going bond, being duly sworn, on oath,  
each for himself says: I am a resident  
householder and freeholder within the  
State of Oklahoma, and have property  
within said State, worth over and above  
all my just debts and liabilities, exclu-  
sive of property exempt from execution  
the sum set out and stated below, that  
is to say:

I, .....am worth the  
sum of \$.....

I, .....am worth the  
sum of \$.....

I, .....am worth the  
sum of \$.....

I, .....am worth the  
sum of \$.....

I, .....am worth the  
sum of \$.....

.....  
Subscribed and sworn to before me,  
this.....day of....., 19....

..... Official Title.

All bonds shall be recorded in a book  
kept specifically for that purpose by  
the Board of Commissioners.

Sec. 10. The compensation of each  
member of the Board of Commissioners  
shall be Five (\$5.00) Dollars for each  
meeting that the member attends, but  
in no case shall a member receive any  
compensation for services on commit-  
tess, or otherwise, than herein provid-  
ed; provided, that no member of the  
Board of Commissioners shall receive  
for his services as such, for any one  
year a sum exceeding Three Hundred  
(\$300.00) Dollars. Provided, further,

that when any member of the Board of Commissioners shall be out of the city for the purpose of transacting business for the city, he shall receive his railway, hotel and such other necessary and legitimate expenses.

### Article III.

Appointive Officers, Employees and Laborers, Nominations and Removals, Compensation.

Section 1. Appointive Officers. In addition to the elective officers provided for herein, the Board of Commissioners may, in their discretion, provide by ordinance for the appointment of officers to perform such duties as the best interests of the city require, and prescribe their respective duties, and fix their compensation and bond.

Sec. 2. Employees and Laborers. The Board of Commissioners may from time to time employ such common or skilled labor as they deem necessary and prescribe their respective duties and fix their compensation, or they may authorize the employment of such laborers by the Business Manager, but in all cases the compensation shall be first fixed by the Board of Commissioners, except in case of an emergency, in which event the Business Manager shall employ such laborers and at such rate as he deems the exigencies of the case may demand.

Sec. 3. Nominations. Each appointive officer, employe, or laborer, shall be nominated by the Business Manager but no such officer, employe or laborer, shall except in case of emergency, begin his work or labor; or be entitled to compensation until his employment shall have been authorized or ratified by the Board of Commissioners.

Sec. 4. Removals. No appointment to an office or place in the city shall be made for any definite time, but each officer, employe, or laborer, shall be subject to removal at any time by the Business Manager or Board of Commissioners without cause.

Sec. 5. Compensation. The compen-

sation of all appointive officers, employes, or laborers, shall be fixed by the Board of Commissioners, and no compensation shall be paid to any such officer, employe, or laborer, except for services actually performed, and after appropriation for funds therefor, duly made.

Sec. 6. No officer or employe shall receive any pay, commission, money or thing of value, or derive any benefit, profit, or advantage, directly or indirectly, from or by reason of any dealings with, or service for the city, by himself or by others, or from or by reason of any improvements, alterations or repairs required by authority of the city, except his lawful compensation or salary as such officer or employe. No officer or salaried employe of the city shall, except as otherwise provided by this charter, accept directly or indirectly, from any railroad, telegraph or telephone company, or from any owner of any public utility franchise in the city, any pass, frank, free ticket, free service, or any other service upon such terms more favorable than those granted to the public generally. The Board of Commissioners shall pass an ordinance providing for punishment for the violation of this section.

Sec. 7. No appointment to any position under the city government shall be made or withheld by reason or any political opinions, or affiliations, or political service; and no appointment or election to, or removal from any office, or employment, and no transfer, promotion, reductions, reward, or punishment shall be in any manner effected or made by reason of such opinions, affiliations, or service.

### Article IV.

Section 1. Candidates to be voted for at elections for commissioners shall be nominated as hereinafter provided and only the names of those so nominated shall be placed upon the ballot.

Sec. 2. Before anyone shall have his name placed upon the official ballot as

a candidate for commissioner, he must be nominated by a nomination petition signed by not less than seven per cent of the qualified voters of the said city based upon the total vote cast in the last preceding general municipal election for said office; provided that for the first election under this charter said per centum shall be based upon the total vote cast for the office of City Treasurer at the last election for said office. Said nomination petition shall be substantially in the following form:

#### Nomination Petition.

We, the undersigned, duly qualified electors of the City of Collinsville, residing at the places set opposite our respective names hereto, do hereby nominate....., who resides in the City of Collinsville, Oklahoma, as a candidate for commissioner for said city in the election to be held in said city, on the.....day of ..... 19...., and request that his name be placed on the official ballot for such election. We are personally acquainted with him and know him to be a qualified voter of said city, a man of integrity and of good moral character. We have acquainted ourselves with the duties of said office as set forth in this charter and with his qualifications to perform the same, and after careful consideration we believe he has said qualifications. We desire to see him elected to said office. After having carefully read the above we hereunto attach our signatures.

(Name of qualified elector.)

(Street and number.)

Every nomination petition shall be verified by one or more qualified electors of the City of Collinsville as to the qualifications and residence of all persons signing said petition. Said verification or verifications to be placed on said nomination petition following the list of signatures of the petitioners. On said petition immediately following said verification or verifications there shall be placed an acceptance of nomination

signed by said nominee which shall be in substantially the following form:

I hereby accept this nomination for the office of commissioner and consent that my name shall be placed upon the official ballot as a candidate for said office.

.....

Signature of Nominee.

Sec. 3. No nomination petition nor acceptance thereof shall have upon it any party emblem, sign, or designation, and there shall be nothing thereon to indicate the affiliation of the nominee or of any signer with any political party or any organization.

Sec. 4. Said nomination petitions must be executed in duplicate and filed with the Board of Commissioners not less than ten (10) days before the election. The Board of Commissioners shall forthwith post one of the copies in a conspicuous place in the City Hall where it shall remain until after the election. No election petition shall be circulated more than thirty (30) days before election.

Sec. 5. Immediately upon the expiration of the time for the filing of nomination petitions, the Board of Commissioners shall post in a conspicuous place in the City Hall for a period of three (3) days, the form of the official ballot to be used for the coming election with names of the candidates appearing thereon, arranged under the name of the office for which they are candidates, as hereinafter provided.

Sec. 6. Immediately upon the expiration of the time for filing nomination petitions, the Board of Commissioners shall call for bids for the printing of the necessary election supplies for the coming election and shall furnish each newspaper or job printing establishment with copies of all printing to be done. Immediately upon the expiration of the three days' time for the posting of the official ballot, as mentioned in section 5 of this article, the Board of Commissioners shall let the contract for said



election supplies to the lowest and best bidder.

Sec. 7. The Board of Commissioners shall arrange the names of the candidates for commissioners without regard to the alphabet or the time of filing of the nomination petitions. Said names shall be so arranged that each name shall appear at the head of the list of candidates on the total number of ballots an equal number of times with other candidate and each name shall appear second on such ballots for said position an equal number of times with other names. And likewise third and fourth and so on to the end that the name of each candidate shall appear on said ballot in such position as will insure said candidate an equal opportunity with other candidates. The said Board of Commissioners shall cause said ballots to be printed in such numbers, arranged as herein provided, and shall cause said ballots so arranged and printed to be distributed among the various precincts of the city so as to carry out the intents of this section.

Sec. 8. Upon said ballots the names of the candidates for commissioner shall be placed under the words "For Commissioner," followed by the instructions, "vote for one," with a square at the left of each name. Following these names shall appear the names of the candidates for the other two commissioners under the words "For Commissioner," and the instructions "vote for one," with the square to the left of each name. The ballots to be voted at said municipal election shall be substantially in the following form with the necessary modifications when less than three commissioners are to be chosen:

Municipal Election  
CITY OF COLLINSVILLE  
(Date)

Place a cross in the square preceding the name of the person for whom you desire to vote.

CANDIDATES FOR COMMISSIONER

Vote for One

(Names of Candidates.)

CANDIDATES FOR COMMISSIONER

Vote for One.

(Names of Candidates.)

CANDIDATES FOR COMMISSIONER

Vote for One.

(Names of Candidates.)

No ballot shall have upon it any party emblem, sign or designation, and there shall be nothing upon it to indicate the affiliation of any candidate with any political party or any organization.

Sec. 9. The Board of Commissioners having caused said ballots to be printed as provided herein shall cause to be delivered to each Election Precinct in said city the number of said ballots equal to twice the number of votes cast in said precinct at the last preceding municipal election for commissioner, provided that in the first election under this charter the number of said ballots shall be equal to twice the number of votes cast in said precinct at the last election for City Marshal in the first election and for Commissioners thereafter.

Sec. 10. At every election sample ballots shall be posted at each and every polling place in said city.

Sec. 11. The Election Board of each voting precinct of said city shall immediately upon closing the polls, count the votes, mutilated and challenged ballots and ascertain the number of votes cast for each candidate voted for, and make due returns thereof to the County Election Board in the first election held under the provisions of this charter, and thereafter they shall make the returns to the Board of Commissioners of the City of Collinsville, upon proper blanks furnished by the Board of Commissioners of said city. On the day following the first election held under the provisions of this charter, the County Election Board shall publicly canvass the returns of said election from all of the voting precincts in said

city. A copy of the results of said election, certified to by the Secretary of the County Election Board, delivered to the person or persons elected, shall constitute a certificate of election. The returns of all elections held under the provisions of this charter, except the first election as hereinbefore provided, shall be canvassed by the Board of Commissioners, certified to by the chairman of said Board of Commissioners, which shall be delivered to the successful candidate or candidates, shall constitute a certificate of election.

Sec. 12. If for any office no candidate has a majority of the votes cast for said office in said election the Secretary of the County Election Board in the first election held under the provisions of this charter shall so certify to the Mayor of the City of Collinsville, and in all other elections held under the provisions hereof, the Chairman of the Board of Commissioners shall so certify to the said board and with an election shall be called to choose between the two candidates receiving the greatest number of votes for said office at said election and at which second election only said two persons shall be candidates; provided, that in the event of any person who was a candidate at said first election and who shall be entitled to become a candidate at said second election shall fail to request that his name shall appear on the official ballot therefor, as herein provided, the candidate for such office standing next in order in computation of votes shall succeed to his rights with respect thereto; provided further, that two candidates for such office a said first election shall be entitled to become candidates therefor at said second election, which two candidates at said first election, as shall file written request to be placed on the official ballot as candidates for such office at said second election. In the event of a tie the vote for the leading candidates for any office at said first election said office shall be filled at second elec-

tion as herein provided for, at which such candidates so tied in said first election may again become candidates. In the event they or either of them shall fail so to do, the two candidates for such office who lead in the computation of votes therefor and who desire to become candidates therefor at said second election shall be entitled so to do in the order of their respective votes at said first election. In the event of a tie between the two candidates for any office at said second election they shall cast lots to determine who shall be elected thereto. Said second election shall be held within ten days from the said first election, and after at least five days' notice by posting in three public places in said city, one of which shall be at the City Hall.

Sec. 13. In all elections held under the provisions of this charter for the election of commissioner at the annual election as provided for in article two (2) of this charter, or for the purpose of electing commissioners to fill vacancies in the office of commissioner caused by the recall of a commissioner, or by resignation, or otherwise, and all other elections held under the provisions of this charter, the election returns shall be canvassed by the Board of Commissioners; provided, that the first election of commissioners held under the provisions of this charter, the election returns shall be canvassed by the County Election Board.

Sec. 14. In all elections held under the provisions of this charter, other than the first election, the returns of such election shall be publicly canvassed by the Board of Commissioners on the day following the election at the hour of ten o'clock a. m. and the returns thereof shall be spread on the journal of the Board of Commissioners, and shall be published in one or more newspapers printed in and of general circulation in the City of Collinsville.

Sec. 15. For the purpose of holding all elections provided for by the pro-



visions of this charter the Board of Commissioners shall appoint not less than two (2) judges and two (2) clerks for each voting precinct. The clerks so appointed shall be the official counters of said election. The judge, whose name appears first in the published list for each precinct, shall be the officer in charge of the election in that precinct. Should the said judge fail for any cause to serve, then the next shall perform the duties herein mentioned, in that event the said judge shall appoint another judge and shall fill any other vacancies that may occur on the Election Board. Should it be shown by the officer in charge of any precinct on the day of election that there is not a sufficient number of clerks to properly handle the votes being cast in that precinct, the judge in charge shall appoint additional clerks. The judges and clerks appointed to hold the election, shall constitute the Election Board in their precinct. All election judges and clerks shall receive the sum of three (\$3.00) dollars per day for their services and the same shall be paid in the same manner as other claims against the city. No judge or clerk shall receive pay for more than one day's time in each election.

Sec. 16. For each election held under the provisions of this charter the Board of Commissioners shall have printed the following supplies for each voting precinct, to-wit:

One poll book, tally sheets, blank oaths of office, oaths for challenged electors, four envelopes, to-wit: One of sufficient size to hold the poll book and tally sheets, with the words "poll book and tally sheets" printed on the back in large, black faced type. One to hold the challenged ballots, with the word "challenged ballots" in bold faced type printed on the back. One to hold the voted ballots, with the words "voted ballots" printed in large, bold faced type on the back. One to hold the mutilated ballots, with the words "mutilated ballots"

in large, bold faced type on the back, and such other supplies as may be necessary to properly conduct any election held under the provisions of this charter.

Sec. 17. In each election held under the provisions of this charter the Board of Commissioners shall furnish to the officer in charge in each precinct, in addition to the supplies named in section 16 of this article, the following: Election seal and wax, twine, needles, pens, ink, blotters, pencils, tablets, rules, stamps and pads, tables, booths, and such other supplies as may be necessary, and in such quantities that will enable him to properly conduct said election.

Sec. 18. For the purpose of holding all elections under the provisions of this charter, the Board of Commissioners shall issue a proclamation calling the election and shall state therein the purpose of said election, the day of the week, day of month and month and year, time of opening and closing of the polls, the number, and boundaries of each precinct, the polling place in each precinct, the name and title of the officers who shall hold said election in each precinct. Said proclamation shall be published in not less than two (2) issues nor more than four issues in one or more newspapers printed, published and of general circulation in the City of Collinsville. Not more than four days shall intervene between the date of the proclamation and the first publication of said proclamation; there shall be not less than three days between the first publication and the second and so on to the last, and there shall be at least one day between the last publication and the day on which the election is held. No proclamation (except the annual election of commissioners, the recall of Commissioners) shall be issued for an election except on the authority of a resolution passed by vote of two members of the Board of Commissioners, and there shall be not less than ten (10).

days between the date of the proclamation and the date of the election, and not more than forty (40) days between the date of the proclamation and the date of the election; provided, that this provision shall not apply to the first election.

Sec. 19. Boxes used in the elections held under the provisions of this charter shall be constructed of galvanized sheet iron of twenty-four guage. Said boxes shall be fifteen inches by fifteen inches by twelve inches in depth; one end of each box shall have a hood or lid constructed of like material and so constructed that the edge of the lid will come down over the edge of the box one inch. Said hood or lid shall be attached to the box with hinges fastened with rivets and equipped with two staples and clasps on the opposite side from the hinges. This lid shall have a suitable handle in the center for the purpose of carrying the box. There shall be a slit in the lid six inches long by one-fourth of an inch wide. The locks shall be Yale six lever spring locks or their equal, equipped with two keys.

Sec. 20. All election supplies shall be placed in the boxes for each precinct and shall be delivered to the officer in charge of each precinct at the hour of seven (7) o'clock a. m. on the day of the election. After the Election Board shall have completed their work the returns shall be placed in the box and conveyed to the office of the Board of Commissioners by the two judges and there in the presence of the two judges and the Commissioners the two keys to the box shall be placed in an envelope and sealed and bound with a twine in such a manner that the twine shall pass around each end of the envelope. On the cross of the twine on each side of the envelope there shall be placed a seal of wax not less than one inch in diameter, and while the wax is soft there shall be made an impression with the seal of that precinct. Said seal shall be so placed that the envelope can not

be opened without breaking the twine or the envelope. After the seal has been so placed on the envelope the seal, ballots and returns shall be placed in the box and locked and both sealed envelope and box shall be placed in the vault of said Board of Commissioners. The seal of the envelope shall not be broken or the envelope opened except in the presence of all the commissioners at the time when they canvass the returns of said election. The Board of Commissioners shall be responsible for the safe keeping of the election returns and keys. The said commissioners shall receipt the said judges for the returns and keys.

Sec. 21. The voted ballots, mutilated ballots, challenged ballots, stubs and ballots not used in the election, shall be placed in a box of similar construction to the ballot boxes, at the time that the election returns are canvassed by the Board of Commissioners, and the keys thereto shall be sealed in an envelope in the manner as provided in section 20 of this article, with a seal provided for that purpose, and said seal shall be placed in the box and locked and remain until the expiration of the time for contests of the election as provided by law. The seal of the envelope with the keys shall not be opened except in the presence of the Board of Commissioners.

Sec. 22. The "Tally Sheet and Poll Book" as hereinbefore provided, shall constitute the official returns of each precinct of every election held under the provisions of this charter.

Sec. 23. The ballots used in every election held under the provisions of this charter shall be printed with a stub which shall be in substantially the following form:

No. .... Never detach this number from stub. Voter's name.....  
Street .....No .....  
If the voter is challenged, write (challenged) .....Here. If the voter is sworn write (sworn).....

here. If the ballot is spoiled or not voted, write (spoiled).....here.  
.....perforated line .....  
When voter returns ballot, detach this number, No.....perforated line  
.....

All ballots shall be printed on white paper of not less than twenty (20) pounds weight. Sample ballots shall be printed on colored paper of light weight. The ballots for each precinct shall be numbered consecutively, from one (1) up to the number required in each precinct.

Sec. 24. The following voting precincts are hereby created and established, as follows:

Precinct No. 1. All that part of the territory included within the corporate limits of the City of Collinsville, as are now constituted or may be hereafter constituted, lying north of the center line of Main street and east of the center line of Brown avenue.

Precinct No. 2. All that part of the territory included within the corporate limits of the City of Collinsville, as are now constituted or may hereafter be constituted, lying north of the center line of Main street and west of the center line of Brown avenue.

Precinct No. 3. All that part of the territory included within the corporate limits of the City of Collinsville, as are now constituted or may hereafter be constituted, lying south of the center line of Main street and north of the center line of High street.

Precinct No. 4. All that part of the territory included within the corporate limits of the City of Collinsville, as are now constituted or may hereafter be constituted, lying south of the center line of High street.

Sec. 25. When the registration records show that there are more than Two Hundred voters in any precinct, the Board of Commissioners shall redistrict the city in such manner as to equalize the number of voters in the various precincts; and if necessary cre-

ate new precincts. Such action must be done by resolution and be published two times in some newspaper of general circulation in the city, and not less than three days between each publication, and said redistricting shall be done more than ten (10) days before any election.

Sec. 26. The commissioners shall purchase a wax seal for each precinct which shall be one inch in diameter and around the edge shall be the word "Precinct" and in the center the number of the precinct. One wax seal to be used in preserving the voted ballots.

Sec. 27. All elections held under the provisions of this charter the polls shall be opened at the hour of eight (8) o'clock in the forenoon and be kept open continuously until the hour of six (6) o'clock in the afternoon.

Sec. 28. The term of office of the three commissioners elected at the first election of officers, held under the provisions of this charter, shall commence on the fifth (5th) day after the date of the issuance of the certificate of election, by the County Election Board; provided, that such day is on Sunday or a legal holiday, in which event, it shall begin on the day following.

Sec. 29. It shall be the duty of the Secretary of the County Election Board to notify the Mayor of the City of Collinsville of the issuance, and the date of the certificates of election of the three commissioners as herein provided. It shall be the duty of the Mayor of said city to call a special meeting of the council of said city to convene on the fifth (5th) day after the date of certificates of election of the three commissioners, at the hour of seven-thirty (7:30) o'clock p. m.: Provided, that if such day be Sunday or a legal holiday, that said meeting shall be held on the day following. All elected or appointed officers of said city shall be notified of said special meeting, and they shall then and there deliver to said commissioners, all moneys, papers, books, records, prop-

erty and all things of every character appertaining thereto or belonging to their respective offices or in their custody, and the commissioners shall issue to the officer surrendering said things, a receipt, which shall be in duplicate, and the original shall be delivered to the officer making delivery, and the duplicate shall be a part of the record of the office of the commissioner. All commissioners and other officers of the city shall always take a receipt for anything delivered to another officer or person, and such receipt shall be a part of the records of their office.

Sec. 30. In the first election held under the provisions of this charter the candidate will file as "Candidate for Commissioner for One Year Term." "Candidate for Commissioner for Two Year Term." "Candidate for Commissioner for Three Year Term." After the first term filings will be made as "Candidate for Commissioner" except in case of filings for unexpired term, then the filing will be made as "Candidate for Unexpired Term of.....(give name of the party whose term is unexpired and is to be filled.)

#### Article V.

##### Police Department.

Section 1. Police Powers. The City of Collinsville shall have power, by ordinance duly passed: To establish and maintain a City Police Department, prescribe the duties of policemen and regulate their conduct.

Sec. 2. To permit, forbid or regulate theatres, balls, dance houses and other public amusements, and to suppress the same whenever the preservation of order, tranquility, public safety or good morals may demand.

Sec. 3. To prohibit dram shops, drinking saloons and other places where intoxicating liquors are sold, and to close variety theatres when necessary, expedient or advisable.

Sec. 4. To prohibit and punish keepers and inmates of bawdy houses and variety shows, to prevent and suppress

assignation houses and houses of ill fame, and to regulate, colonize and segregate the same, to determine such inmates and keepers to be vagrants, and provide for the punishment of such persons, and to prevent all desecration of the Sabbath, commonly called Sunday, and to prevent all kinds of public indecencies.

Sec. 5. To inspect weights and measures, fix standards of weights and measures, and to fix penalties for not using or conforming to the same, and to provide that inspection fees may be fixed by ordinance.

Sec. 6. To make all needful and proper regulations concerning keepers of hotels, taverns, and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers, drivers of baggage wagons, and other vehicles; to establish maximum rates for all kinds of transportation within the city limits, to prevent extortion and to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains, and to provide how and where hacks or other vehicles shall stand or take their position upon the streets adjacent or near the said depots, and where they shall stand when not receiving or discharging passengers.

Sec. 7. To suppress gambling houses and to punish keepers of gambling houses and pool sellers, and all persons who play cards or games of chance of any kind, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawing of lotteries.

Sec. 8. To provide for the regulation of bakers and to prescribe the weight, quality and price of bread manufactured or sold in the City of Collinsville, according to the price of the material or otherwise, and to provide for the inspection of milch cows, whether kept within the city or without the city limits, from which milk is sold within the city, and to provide for the inspection

of the milk offered for sale, and to prescribe the fees to be charged therefor.

Sec. 9. To establish and regulate public grounds, and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, chickens, geese and pigeons and to authorize the distraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred and to order their destruction when they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinances regulating or prohibiting the same, and impose penalties for non-payment of said tax.

Sec. 10. To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties upon the owners and keepers thereof; provided that any dog running at large may be immediately destroyed.

Sec. 11. To prohibit and restrain or regulate the rolling of hoops, the flying of kites and firing of firecrackers, the use of velocipedes, roller skates and bicycles, sling-shots, and the use of any pyrotechnic or any other amusement or practices tending to annoy persons passing upon the streets or sidewalks, or to frighten horses and teams.

Sec. 12. To restrain and prohibit the ringing of bells or blowing of horns, bugles and whistles, crying of goods, and all other noises, practices and performances tending to the collection of persons in the streets or sidewalks, by auctioneers and others for the purpose of business, amusement or otherwise.

Sec. 13. To prohibit mendicants, beggars or persons of infirm or maimed bodies, or suffering with diseases of any kind, from soliciting alms, help or assistance upon the streets or sidewalks of said city, and to prescribe a penalty by fine of non-observance thereof.

Sec. 14. To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines or locomotives with-

in the city limits, and to regulate and control the speed thereof.

Sec. 15. To regulate and control or prevent the driving of cattle, horses and all other animals into or through the city.

Sec. 16. To prevent all trespasses and breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, profane and insulting language, misdemeanors and all disorderly conduct and to punish all persons thus offending.

Sec. 17. To require, on due notice, all steam or street railway companies owning tracks within the city limits, upon the public streets or highways of said city, which may have been or may hereafter be abandoned by said companies by non-use, to remove such tracks and to restore at their own expense the street or way upon which such abandoned track is, located to its former condition.

Sec. 18. To prohibit, prevent and suppress horse racing, immoderate riding and driving in the streets of said city.

Sec. 19. To prohibit cruel treatment of animals and to punish the abusers of animals.

Sec. 20. To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched, or standing in the streets.

Sec. 21. To restrain and punish vagrants, mendicants, beggars and prostitutes.

Sec. 22. To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine and salts thereof.

Sec. 23. To license, tax and regulate auctioneers, clairvoyants, contractor, druggists, hawkers, peddlers, palmists, bankers, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, public boarding houses, billiard tables and other gaming tables, bowling alleys, drays, hacks, carriages, omnibuses, cars, wagons and other vehicles used in the city for pay, hay scales, lumber dealers,

undertakers, furniture dealers, saddlery or harness dealers, stationers, jewelers, livery stable keepers, real estate agents, express companies or agencies, telegraph companies or agencies, life or fire insurance companies or agencies, shows, theaters, all kinds of exhibitions for pay, and all other trades, professions, occupations and callings of every kind. To license and regulate any itinerant or transient vendor of clothing or wearing apparel or article of bedding or merchandise of any description whatever, ticket brokers, or scalpers, or dealers in railway tickets, dealers in bankrupt or fire stock, or damaged stocks of any kind, second-hand dealers, pawn brokers, junk shops and dealers in junk, and all other business or occupations whatever, which in the opinion of the Board of Commissioners shall be properly subject to police regulation. To require the person or persons or corporations pursuing any business or occupation mentioned in this section, to give all bonds in such amounts and under such condition as the Board of Commissioners may prescribe; no license shall be assignable, except by the permission of the Board of Commissioners.

Sec. 24. To license, tax, regulate, prevent or suppress paupers, peddlers, pawnbrokers, and keepers of theatrical or other exhibitions, shows and amusements. To license, tax and regulate or prohibit theatres, circuses, moving picture shows, and exhibitions of common showmen, and of shows of any kind, and the exhibition of natural or artificial curiosities, menageries and musical exhibitions and performances and to regulate and license or prohibit street parades, bill posters, pool tables, striking machines, lung testers, doll racks, cane racks and exhibitions, devices and things for which a fee is charged.

Sec. 25. To prevent all prize fights, boxing matches, sparring exhibitions, cock fighting and dog fighting, and punish all persons thus offending.

Sec. 26. To regulate, control and pro-

hibit the carrying of firearms, and other weapons within the city limits, and to provide and inflict the same punishment therefor, as is now or hereafter may be provided by state laws against persons unlawfully carrying weapons.

Sec. 27. To provide workhouses for vagabonds and disorderly persons, who are unable, or refuse to pay fines, or who have been sentenced to fine and imprisonment, or to compel them to work on the streets, alleys and public works, and make all necessary regulations concerning the same, and to provide, keep and regulate a city prison.

Sec. 28. To define what shall be nuisances in the city, and within one thousand feet of the corporation line outside of the city limits, and to abate such nuisances by summary proceedings and to punish the authors thereof by penalties, fines and imprisonment.

Sec. 29. To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, boilers and other heating apparatus and cause the same to be removed or made safe.

Sec. 30. To regulate the use of automobiles, motor cars, motor cycles, or any motor vehicle and the speed thereof; to prescribe the proper lighting of same when used at night; to issue permits for the use of such vehicles and to require the numbering of said vehicles.

Sec. 31. To control and regulate the location and use of all kinds of steam engines and steam boilers in the city and prescribe the qualifications of persons operating and running the same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

Sec. 32. To inspect the construction of all building in the city and to prescribe and enforce proper regulations in regard thereto; to regulate and locate or prohibit the erection of all poles in the city, and cause the same to be changed whether telegraph, telephone,



electric light or otherwise.

Sec. 33. The city shall have power to establish, maintain and regulate a city prison, workhouse and other means of punishment, for vagrancy, city convicts and disorderly persons, houses of correction and reformatories for youthful criminals.

Sec. 34. The City of Collinsville shall have the power to regulate depots, depot grounds and places of storing freight and goods, and provide for the passage of railways through the streets and public grounds of the city; also to regulate the crossing of streets by railway tracks and require gates or flagmen at street crossings, and to provide precautions and prescribe rules regulating the same and to regulate the running of railway engines, cars and trucks and street cars within the limits of said city, and to prescribe rules relating thereto, and to govern the speed thereof, and to make any other and further provisions, rules and restrictions to prevent accidents at crossings and on the tracks of railways and street railways and to prevent fires from engines.

Sec. 35. To regulate, locate and prohibit the stringing or placing of telegraph, telephone, electric or other wires and to enforce such regulation in regard thereto, and to require and regulate the placing of any such telegraph, telephone, electric or other wires under ground.

Sec. 36. To regulate or prohibit the keeping of cows, hogs, goats, dogs, chickens, geese or pigeons within the city or within certain prescribed limits of the city.

## Article VI. Police Court.

Section-1. There shall be a court for the trial of all misdemeanor offenses, and shall be known as the "Police Court."

The Magistrate of said court shall be known as the "Police Judge." The appointment to the office of Police Judge to be made by the Business Man-

ager and confirmed by the Board of Commissioners, who shall fix his salary. Said Police Judge may hold other official position under the city, when the offices are combined as one by ordinance.

Sec. 2. Jurisdiction. The Judge of the Police Court shall have original exclusive jurisdiction to hear and determine all offenses against the charter and the ordinances of the city; he shall keep a docket in which he shall enter every cause commenced before him as Judge of the Police Court. If the Police Judge be absent or sick or disqualified from acting, the chairman of the Board of Commissioners shall be ex-officio Police Judge and shall act instead of said Police Judge, until such absence or disqualification shall cease, and all acts and doings of said Chairman of the Board of Commissioners, while acting as such Police Judge, shall be effective and binding, and have the same effect as if done by the said Police Judge. If the Police Judge or Chairman of the Board of Commissioners be absent or sick or disqualified from acting, the other member of the Board of Commissioners holding the longest term of the Board of Commissioners elected under the provisions of this charter, shall be ex-officio Police Judge, and shall act instead of said Police Judge, and all acts and doings of said commissioner, while acting as such Police Judge, shall be effective and binding, and have the same effect as if done by said Police Judge. If the Police Judge, or Chairman of the Board of Commissioners, or the commissioner above mentioned, shall be absent or sick or disqualified from acting, the other member of the Board of Commissioners shall be ex-officio Police Judge, and shall act instead of the said Police Judge, and all acts and doings of said commissioner, while acting as such Police Judge, shall be effective and binding, and have the same effect as if done by said Police Judge.

Sec. 3. Powers of Police Judge. The

Police Judge shall have power under the provisions of this charter to enforce obedience to all orders, rules, judgments and decrees made by him; he may fine or imprison for contempt offered him while holding his court, or to process issued or orders made by him, in the same manner as provided for district courts. On the trial of any case in said court it shall be the duty of said Police Judge to sign any bill of exceptions rendered to the court, during the progress of such trial; provided, the truth of the matter be fairly stated, and thereupon said exception shall be entered in the record of such trial and become a part thereof, and any final conviction, sentence or judgment of said court may be examined by the district court of this county, on writ of error which may be allowed by the district court, or the judge thereof, for sufficient cause, and proceedings may be stayed as may be deemed reasonable, and the revising court shall in such proceedings take judicial notice of all the ordinances of the City of Collinsville. Cases tried before the Police Court, arising under the city ordinances, shall be tried and determined by said Police Judge without the intervention of a jury.

Sec. 4. Office. The Board of Commissioners shall provide some suitable room in the City Hall in which the Police Judge shall hold his court, and his court shall be open every day except Sunday and legal holidays. His court shall be in session not less than one hour at some certain time of each day, and may be convened at any reasonable time during every day for the transaction of such business as may properly come before it.

Sec. 5. Prosecutions. All prosecutions for violations of any provision of this charter or of the ordinances of the city shall be entitled "City of Collinsville, plaintiff, vs. .... defendant. The Police Judge shall state in his docket the name of the complainant,

the nature and character of the offense, the date of the trial, the names of all witnesses sworn and examined, the finding, and judgment or fine and costs, the date of the payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in such case; the complaint, when made by the Chief of Police, Assistant Chief of Police, regular or special policeman against any person when accused is not in custody, the complaint shall be in writing, and sworn to before a warrant be issued for his arrest. In no case shall a judgment of conviction be rendered, except upon sufficient legal testimony given on a public trial, or upon a plea of guilty made in open court.

Sec. 6. Docket. The Board of Commissioners shall furnish the Police Judge with a suitable docket, and he shall deliver said docket and all papers and other things pertaining to his office, at the expiration of his tenure of office to the Board of Commissioners.

Sec. 7. Warrants, Special Duty. All warrants issued by the Police Judge shall be directed to the Chief of Police, and such warrants may be executed by him, the Assistant Chief of Police, regular or special policeman, the sheriff of the county or any constable of the city. The sheriff or constable making such service shall be entitled to receive therefor such fees as are allowed them by law for similar services, to be taxed as cost. In case of the absence of the officer from the court, the Police Judge shall deputize some suitable person to execute any process issued by him.

Sec. 8 Trial Forthwith. When any person shall be arrested and brought before the Police Judge, it shall be his duty to hear and determine the complaint alleged against the defendant forthwith, unless for good cause the trial be postponed to a time certain; in which case he shall require the defendant to enter into a recognizance with sufficient surety, conditioned that he



will appear before the said judge, at the time and place appointed; then and there to answer to complaint alleged against him, and if he fail or refuse to enter into such recognizance, the defendant shall be committed to prison and held to answer said complaint as aforesaid.

Sec. 9. Breach of Bond. In case of the breach of any recognizance entered into, as aforesaid, the same shall be deemed and declared forfeited, and the Chairman of the Board of Commissioners shall cause the same to be prosecuted against the principal and surety, or the surety alone. Such action shall be in the name of the city as plaintiff, and may be prosecuted into the district court of this county on the transcript of the proceedings before the Police Judge, and a copy of such recognizance certified by the Police Judge, and all moneys recovered in such action shall be paid over to the City Treasury to the general revenue fund of the city.

Sec. 10. Witness Fees. It shall be the duty of the Police Judge to summons all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary; each witness shall receive the sum of seventy-five cents if the time does not exceed one-half day, but if more than one-half day he shall receive the sum of one dollar and fifty cents for each day's attendance or major portion thereof.

Sec. 11. Continuance of Trial. When a trial shall be continued by the Police Judge it shall not be necessary to summons any witnesses who may be present at the continuance, but the judge shall verbally notify such witnesses as either party may require to attend before him to testify in the cause, on the day set for trial, which verbal notice shall be as valid as a summons.

Sec. 12. Judgment. If the defendant plead or be found guilty, the Police Judge shall declare and assess the punishment prescribed by ordinance, and

render accordingly, and for cost of suit, and that the defendant stand committed until the judgment is complied with.

Sec. 13. Discharge. Any defendant committed under the provisions of the charter, may be discharged on payment of fine and costs, or on perfecting an appeal as hereinafter provided.

Sec. 14. Appeal. In all cases before the Police Judge arising under the ordinances of the city, an appeal may be taken by the defendant to the district court, but no such appeal shall be allowed unless the defendant, within ten days, shall enter a recognizance, with good and sufficient sureties, to be approved by the Police Judge, conditioned for the personal appearance of the applicant before the district court of the county on the first day of the next term thereof.

Sec. 15. Unjust Prosecution. Cost. If upon trial before the Police Judge, or the district court, it appears to the satisfaction of the court, that the prosecution was commenced without probable cause, and from malicious motives, the court shall state the name of the prosecutor or complainant in the finding, and shall impose the cost of prosecution upon him; and judgment shall be rendered against such prosecutor, or complainant, that he pay such costs, and stand committed until the same are paid.

Sec. 16. Oaths. Contempt. The Police Judge shall have power to administer the oaths, and enforce due obedience to all orders, rules and judgment made by him, and may fine or imprison, or both, for contempt offered to him, while holding his court, or to process issued by him in the same manner and the same extent, as the district court.

Sec. 17. Monthly Report. The Police Judge shall make a monthly report and shall file the same with the Board of Commissioners on the first day of each month for the month preceeding and the same shall be in substantially the form now in use. Said report shall be

published in some newspaper published in and of general circulation in the city. No fictitious name shall be used on the police docket or in the monthly report.

#### Article VII.

##### Recall of Officers.

Section 1. Any commissioner under this charter may be removed from office by the qualified electors of the city. A petition asking for the recall of the commissioner sought to be removed shall be in substantially the following form, to-wit:

##### Petition for Recall.

State of Oklahoma, County of Rogers,  
City of Collinsville, ss:

To the Honorable Board of Commissioners of the City of Collinsville, Oklahoma:

We, the undersigned citizens and legal voters of the City of Collinsville, Oklahoma, respectfully order that you call an election within not less than fifteen (15) days and not more than thirty (30) days from the date of the filing of this petition with your honorable body for the purpose of recalling (give name of person and his official title). The reasons for the recall of the said (give name of person sought to be recalled and his official title) are: (Insert here specifically the reasons for the recall of the said person), name, street and number (if the street is not numbered give the lot and block number, and if it be in an addition to the City of Collinsville, give the name of the addition).

(Here follow twenty numbered lines for signatures.)

Verification of Signatures. Each and every sheet of every such petition containing signatures shall be verified on the back thereof, in substantially the following form, by the person who circulated said sheet of said petitions, by his or her affidavit thereon and as a part thereof:

State of Oklahoma, County of Rogers,

ss:

I, .....; being first

duly sworn, say: (Here shall be, typewritten the names of the signers of the sheet) signed this sheet for the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, and address correctly, and that each signer is a legal voter of the City of Collinsville, Oklahoma. (Signature and street address of the affiant.) Subscribed and sworn to before me, this.....day of.....A. D. 19....

(Signature and title of officer before whom oath is made.)

Pamphlets. Signatures. Each recall petition shall be in duplicate for the securing of signatures, and each sheet for signatures shall be attached to a copy of the petition. Each copy of the petition and sheets for signatures is hereinafter termed a pamphlet. Not more than twenty signatures on one sheet shall be counted. All recall petitions and sheets for signatures shall be printed on sheets seven and one-half inches in width by thirteen inches in length, and there shall be a margin at the top of not less than one inch for binding, the aforesaid sheets shall be bound in one or more volumes and each volume shall have a certified copy of the results of any election held by reason of such petition. If no election shall be held thereon the reason thereof shall be so certified to by the commissioner in whose office said petition was filed. Each Recall Petition shall be consecutively numbered and shall become a part of the records of the office of the Board of Commissioners.

A petition asking for the recall of the commissioner sought to be removed, shall be filed in the office of one of the commissioners not affected by said petition. It shall be the duty of the commissioner in whose office said petition is filed to immediately deliver a certified copy of said petition to the commissioner affected, and to cause said petition to be published in some newspaper published in said city and of gen-

eral circulation in said city, and he shall post a true copy in a public place in the City Hall, within three days after the filing of said petition in his office. Whereupon the two (2) commissioners not affected by said petition shall compose the Board of Commissioners for the purpose of acting upon the said petition and they shall issue a proclamation calling an election for the purpose of voting upon the recall of the commissioner sought to be removed, and said election shall be held not less than fifteen nor more than thirty days after the filing of said petition with the commissioner. In the event petitions for the recall of two commissioners are filed at the same time, the other commissioner is authorized to act in the capacity of said Board of Commissioners as herein provided. No petition shall be sufficient for the recall of any commissioner unless said petition shall contain a number of names equal to more than twenty-five percentum of the total number of votes cast at the last annual election of officers.

Sec. 2. When any petition for the recall of any commissioner shall have been filed, published, certified to and delivered, as provided herein, it shall be the duty of said commissioner to whom said petition has been delivered to immediately call a meeting of the Board of Commissioners, as provided herein, and it shall be the duty of said Board of Commissioners to ascertain whether or not said petition contains a sufficient number of signatures, as provided herein, by checking same with the last general election list, and if said petition contains sufficient legal signatures, it shall be the duty of said Board of Commissioners to order and fix a date for holding said election, as herein provided. If said petition shall be found to contain less than the required number of signatures, the said Board of Commissioners shall make a finding to that effect and shall cause said finding

to be published in a newspaper of general circulation in the City of Collinsville.

Sec. 3. The form of the ballot at such special election shall be substantially as follows:

Shall (name of officer).....be removed from the office of.....  
(name of office).....

☐ Yes.

☐ No.

The voter who desires to vote for the removal of the officer shall stamp in the square to the left of the word "yes." The voter who desires to vote for the retention in office of the official shall stamp in the square to the left of the word "no." If a majority of the duly qualified electors voting at such special election shall vote "yes" upon the official canvassing and announcing of the vote, the officer shall thereupon ipso facto be removed and his office shall be declared vacant, and shall be filled according to the provisions of this charter.

Sec. 4. Said election shall be called and conducted and the result announced in all respects as other city elections, except as herein provided.

Sec. 5. No recall petition shall be filed against any officer until he shall have held his office for at least four months, nor within six months after an election has been held upon a previous petition for recall of the same officer.

Sec. 6. No person who has been recalled from office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed or elected to any office or employment of the city within one year after such recall or resignation.

Sec. 7. In the event of the recall of one commissioner the other two commissioners shall constitute the Board of

Commissioners until the appointment or election and qualification of a successor to the commissioner recalled. In the event of the recall of two commissioners the remaining commissioner shall constitute the Board of Commissioners until the appointment or election and qualification of successors to the two commissioners recalled. In the event of the recall of one or two commissioners, the Board of Commissioners shall immediately call an election for the purpose of electing a successor to fill the unexpired term of the commissioner or commissioners recalled; provided that it is more than six (6) months to the next annual election. If it be six (6) months or less to the next annual election the Board of Commissioners shall appoint a successor or successors to the commissioner or commissioners recalled, and said appointee or appointees shall serve until a successor or successors are elected and qualified. Any commissioner elected or appointed to fill an unexpired term shall qualify and give the same bond as a commissioner regularly elected.

#### Article VIII.

Section 1. Work on Streets. Each male citizen of the City of Collinsville, between the ages of twenty-one and fifty years, who shall have resided in said city for thirty days, who is not a county or township charge, and who has not performed road or street duty or labor for any year, shall be subject to perform street duty or labor upon the streets of the City of Collinsville for such year, consisting of  $1\frac{1}{2}$  days' single handed, of eight hours each, one day's work of eight hours by man with team, or furnish a substitute to perform such street duty or labor, satisfactory to the Board of Commissioners or pay to the city \$2.50 in cash in lieu thereof.

Sec. 2. In Lieu of Performance. Each citizen liable for the performance of such street duty or labor, shall be required to so perform or render such service, furnish a substitute therefor, or pay the money in lieu thereof, on

demand and warning and all such street duty or labor shall be performed or money paid prior to the first day of December each year.

Sec. 3. Actions for Neglect. Every citizen who shall fail, or refuse to perform such duty or labor, furnish a substitute therefor, or pay the money in lieu thereof, as herein provided, upon demand and warning shall be adjudged guilty of a violation of the provisions of this charter and be subject to such punishment as may be provided by ordinance, and shall also be liable for the said sum of \$2.50 as for debt to be recovered by civil action.

#### Article IX.

Section 1. Style of Ordinance. The style of all ordinances adopted for the City of Collinsville, during the continuance of this charter, shall be "Be it Ordained by the Board of Commissioners of the City of Collinsville, Oklahoma."

All prosecutions for violating the provisions of this charter or any ordinance of the City of Collinsville, shall be entitled, "City of Collinsville, Plaintiff, vs. .... defendant."

All ordinances passed by the Board of Commissioners, except emergency ordinances, shall take effect and be in force at the end of thirty days from the date of their passage and publication, unless otherwise provided in this charter.

No ordinance, except an emergency ordinance, shall be enacted on the day of its introduction, but all ordinances, except emergency ordinances, after being introduced and read shall lie for at least one week before being finally voted upon and adopted.

The Board of Commissioners, by an unanimous vote, may pass an emergency ordinance when the public peace, public health or public safety shall demand it. Every emergency ordinance must, as a part of the title, contain the words "And declaring an Emergency," and every such ordinance shall, in a separate section, state such emergency

and provide that such ordinance shall take effect and be in force immediately upon its passage and publication.

Except as otherwise provided, by the Constitution and Laws of the State, all ordinances shall be published for one issue in some newspaper of general circulation in the City of Collinsville, such publication to be commenced within five days from the passage of the ordinance.

Every ordinance passed by the Board of Commissioners shall be correctly enrolled by the Business Manager within the next succeeding five days, or as soon thereafter as practicable, and the enrolled copy compared with the ordinance by the City Attorney, both of whom shall endorse on the enrolled copy the words "Correctly Enrolled," with the date thereof and subscribe 'heir names thereto, which endorsements must be made within five days after said enrollment.

Sec. 2. Financial Depositories. No officer shall loan any of the funds of the city to any person or otherwise dispose of the same except in accordance with the law. He shall deposit moneys received by him by virtue of his office in the banks of the City of Collinsville without discrimination equally as nearly as may be: Provided, that any bank receiving deposits of the city money shall be required to execute to the city a bond with some surety, guarantee, indemnity, or insurance company, organized and empowered by law to give such bond, and authorized by law to do business in the State of Oklahoma in the penal sum equal to the maximum amount deposited in any such bank, conditioned to save the city harmless from loss by reason of such deposit during all the time that such money or any part thereof shall so remain on deposit in such bank, and such bond shall be approved and filed in the same manner as other officers' bonds: Provided, that such city banks designated as depositories, may, in lieu of the surety bond above referred to deposit with the city good and sufficient United States

bonds, State, County, Municipal or School District Bonds or Warrants, local improvement bonds or warrants upon which the principal or the interest is not in default at the time of the deposit, and aggregate market value of which shall not be less than the amount deposited in such bank. Said securities shall be subject to the approval of the Board of Commissioners. And provided, further, that such banks so designated as depositories shall be required to pay the city interest on the daily balances of such deposits at the rate of not less than three percentum per annum, said interest payments to be payable monthly.

Sec. 3. The regular meetings of the Board of Commissioners shall be held on Monday of each week at such time as may be designated by ordinance: Provided, that when such day is a legal holiday, that the meeting shall be held at the same hour on the following day: Provided further, that an adjournment of the regular meetings may be taken to other days and at such hour as may be designated in the motion to adjourn. Special meetings of the Board of Commissioners may be called at any time by any commissioner, and shall be a part of the records of their office.

All meetings shall be public and shall be held at the City Hall.

The Board of Commissioners shall determine its own rules of procedure, and may punish its members for disorderly conduct and compel their attendance at the meetings.

Sec. 4. Charter Self-Executing. All provisions of this charter are self-executing, but the Board of Commissioners may by ordinance, supply details of procedure for the more efficient enforcement thereof not inconsistent with the provisions of said charter.

Sec. 5. Quarterly and Annual Reports. The Board of Commissioners shall cause to be published quarterly, an epitome of the financial condition of the several departments of the city government,

showing the amount of receipts and disbursements during the preceding quarter, and the amount of funds on hand, and outstanding obligations.

Immediately after the 30th day of June in each year the Board of Commissioners shall employ some competent accountant to audit the books of the city for the fiscal year closed, and cause to be published a detailed statement for the financial transactions of said city for such year, such publication to be made in one or more newspapers published in and of general circulation in the city.

Sec. 6. All contracts pertaining to public improvements, maintenance of public property, public printing, purchase of supplies, and all other contracts of whatsoever character involving an outlay of \$300 or more shall be made by the Board of Commissioners and shall be based upon the specifications provided by the said board. Such contracts shall be entered into only after advertisement not less than two times in a newspaper of general circulation in the city and after posting in one public place in the City Hall, inviting competitive bids. Such competitive bids shall be sealed and shall be filed with the Business Manager. Each bidder shall accompany his bid with a sworn statement, in writing, that the bidder has not, directly or indirectly entered into any agreement, expressed or implied, with any other bidder or bidders, having for its object the control of the price and amount of such bids or limiting of the bids or bidders. No bidder shall divulge said sealed bids to any person whatever, except those having a partnership or other financial interests with him in said bid until after the said sealed bids are opened, and all bids shall be accompanied by a certified check equal to five per cent of the amount of his bid which shall be forfeited to the city if he shall fail to en-

ter into a contract after having been awarded the work bid on.

The violation of any of the foregoing provisions on the part of the bidder shall make void any contract made by him with said city based upon such bid. The awarding of a contract upon a successful bid shall give the bidder no right of action or claim against the city upon such contract until the same shall have been reduced to writing and duly signed by the contracting parties. All bids filed with the Business Manager shall be opened in the presence of the Board of Commissioners and shall remain on file in the office of the Business Manager two (2) days before any contract shall be entered into based upon said bid. The Board of Commissioners shall consider the bids and may reject all bids and re-advertise for bids or may have such work done under the party offering the lowest and best bid or may have such work done under the supervision of the proper department and keep an account of the expense thereof. Pending advertisement for bids the plans and specifications and profiles shall remain on file in the office of the Business Manager, subject to the inspection of any person. For the safeguarding of the interests of the city, the Board of Commissioners shall make regulations providing for the filing of estimates of costs.

#### Article X.

Section 1. Fires. The City of Cincinnati shall have power: To provide means for the protection against and extinguishment of fires, and shall provide for the regulation, maintenance and support of a Fire Department, and for the purpose of guarding against the calamity of fire, may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden or other buildings within such fire limits in said city as may be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden or



other buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits, shall be made or constructed of fireproof material, the kind, character, extent and quality of which buildings and material may, by ordinance, be prescribed and fixed, and may prohibit the repairing of wooden or other buildings in fire limits when the same shall have been damaged to the extent of thirty-three and one-third per cent of the value thereof, and may prescribe the manner of ascertaining such damages, and may declare all dilapidated buildings to be a nuisance, and direct the same to be removed or abated in such manner as the Board of Commissioners may prescribe, and may declare all wooden or other buildings in the fire limits, which they deem dangerous to contiguous buildings, or which may cause or promote fires, to be nuisances, and may require and cause the same to be removed in such manner as may be prescribed, at the expense of the owner, and may further prescribe limits within which only a fireproof roofing may be used, and may impose a penalty for violation of such rules and regulations. The city shall have the right, by ordinance, to regulate, prescribe and govern the storage of lumber, sash, doors, blinds, nitroglycerine, dynamite, powder and any and all commodities of an inflammable, combustible or explosive nature and any and all kinds of goods, wares and merchandise of every kind, and prescribe limits within which such materials may be carried, and fix penalties for violation of the rules and ordinances governing the same.

Sec. 2. To procure fire engines, hooks, ladders, buckets and other apparatus, and organize fire engine, hook and ladder and bucket companies, and prescribe rules of duty for the government thereof, with such penalties as they may

deem proper, and make all necessary appropriations therefor.

Sec. 3. To regulate or prevent the carrying on of manufactories and other works dangerous in causing fires, and to regulate the location of cotton presses, sheds and other buildings dangerous on account of fires.

Sec. 4. To prevent the deposit of ashes in unsafe places and cause the removal from one's premises of all trash, old papers, straw, goods boxes, barrels and anything else dangerous on account of fire, and all filth, slops and animal or vegetable matter and everything else offensive and dangerous to health and comfort, and to cause all buildings and enclosures in a dangerous state to be put in a safe condition.

Sec. 5. To regulate the size, number and construction of doors and stairways of theatres, tenement houses, hotels, boarding houses, apartment houses, audience room, public halls, school houses and buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fires.

Sec. 6. To require the construction of suitable fire escapes on or in hotels, lodging houses, factories and school and other buildings, whether now built or hereafter to be built.

Sec. 7. To compel the owners or occupants of houses or other buildings to have scuttles in their roofs and stairs and ladders leading to the same.

Sec. 8. To authorize one or more officers, agents or employes of the city to enter in and upon all buildings and premises to examine and discover whether the same are dangerous, on account of fire, or in any unclean state, and cause all defects to be remedied, and filth and trash to be removed, and generally the Board of Commissioners shall have power to establish such regulations for the prevention and extinguishment of fires as it may deem expedient.

## Article XI.

Section 1: Health. The City of Collinsville shall have power: To regulate burial grounds, crematories and cemeteries, and to prohibit burial within the city limits if deemed advisable, or, if necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the city, and when demanded by the public interest or public health to remove or cause to be removed bodies interred in such condemned and close cemeteries and burial grounds, and shall cause them to be reinterred in a suitable place to be provided by the city, at its expense, and whenever advisable the city may condemn the land proposed to be used for the reintering of bodies in the same manner as provided in Section 1, Article II of this charter, and use such condemned ground formerly used for cemeteries for such purposes as may best subserve the interests of the city.

The City of Collinsville shall have power to purchase, hold and pay for lands not exceeding one hundred and sixty acres in one body, outside the limits of such city, for the purpose of the burial of the dead. The Board of Commissioners shall provide for the survey, platting, grading, fencing, ornamenting and improving all the burial and cemetery grounds and the avenues leading thereto, owned by such city, and may construct walks in rear and protect ornamental trees therein and provide for paying the expenses thereof.

To convey by certificates, signed by the Chairman of the Board of Commissioners and attested by one other member of said board, under the seal of the city, cemetery lots, owned by such city, specifying that the purchaser, to whom the same is issued, is the owner of the lot or lots described therein by number, as laid down on such map or plat, for the purpose of interment, and such certificates shall vest in the purchaser, his or her heirs and assigns, a right, in

fee simple, to such lot for the sole purpose of interment under the regulations of the Board of Commissioners, and such certificate shall be entitled to be recorded in the office of the register of deeds of the proper county without further acknowledgment; and such description of lots shall be deemed and recognized as sufficient description thereof. The board may limit the number of lots which shall be owned by the same person, at the same time; may prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots, and may prohibit any division of the use of said lots and any improper adornment thereof; but no religious test shall be made as to the ownership of the lots, the burial therein, or the ornamentation of the graves, or of such lots.

To pass rules and ordinances, impose penalties and fines, not exceeding one hundred dollars, regulating, protecting and governing the cemetery, the owners of lots therein, visitors thereof, and punishing trespassers therein; and the officers of such city shall have as full jurisdiction and power in the enforcing of such rules and ordinances as though they related to the city itself.

Sec. 2. To regulate the burying of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons and others for any default in the premises.

Sec. 3. The City of Collinsville also shall have the power, by ordinance, to authorize the destroying of clothing, bedding, furniture, and buildings infected with the germs of any infectious or dangerous disease when the public health requires the destruction of the same, and may also in the same manner authorize the destruction or removal of buildings or other objects after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said



city. Property destroyed must be reimbursed.

Sec. 4. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose; and to enforce them within the city and within five miles thereof.

Sec. 5. The City of Collinsville is hereby given full power and authority to take such steps to improve and preserve the purity of the water of the Caney river above the City of Collinsville, as it may think necessary; provided, that the power in this section shall not be construed to give said corporation any jurisdiction or control over said river beyond the corporate limits of said city, except for the purpose of protecting and improving the water shed, i. e. the water supply of both the Caney river and the smaller streams or tributaries; provided further, that the said corporation shall have the right to condemn land, buildings and outhouses or closets when it may deem the same necessary for the protection and preservation of the purity of the water in said river, and shall have power to control the same.

The City of Collinsville shall also have power to require any persons or corporations owning or operating manufacturing enterprises within or without the city which shall discharge refuse matter into Caney river or its tributaries, to make other provisions for such refuse matter or so purify the same so that the public health will be fully protected.

Sec. 6. To require the owners of private drains, sinks, and privies, to fill up, cleanse, drain, alter, relay, repair, fix and improve the same as they may be ordered by resolution or ordinance, and impose penalties upon persons failing to do the same. If there be no person in the city upon whom such order can be served, the city may have such work done, and costs of the same shall be a lien on the property and taxed up

against it, and collected in such manner as the Board of Commissioners may determine.

Sec. 7. To prevent any person from bringing, depositing or burying within the city limits, the carcasses of any dead animal, or other unwholesome substance, or matter, or filth of any kind, and to require prompt removal of the same, and impose all necessary penalties, for the enforcement of such powers.

Sec. 8. To provide for the inspection of dairies inside and outside the city limits, doing business within the city, and to charge and provide license fees for inspection; to establish and maintain a standard of sanitary conditions governing dairies inside and outside the city, doing business within the city, to establish and maintain a standard of quality of all dairy products sold in the city, and to provide for penalties for the violation thereof.

Sec. 9. To regulate and license butchers and prevent their slaughtering animals in the city limits, and revoking their license for malconduct in trade, and to regulate, license and restrain the sale of fresh meat, fruits and vegetables and the slaughter of animals and to license and regulate or prohibit slaughter houses within the city limits.

Sec. 10. To compel the owner or occupant of any grocery, soap, tallow or chandler establishment or blacksmith shop, tannery, stable, slaughter house distillery, brewery, or other building, or sewer, privy, hide house, or other unwholesome or nauseous place or house to cleanse, remove, fill up, repair or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Sec. 11. To regulate the inspection and slaughter of animals and the sale of fresh meats within the city, and the inspection and the sale of flour, meal, fish, salt and other provisions, and all other articles of food or drink whatsoever, to be consumed within the city, and to appoint inspectors, weighers and

guagers, and prescribe their duties and powers, and to regulate their fees, and to provide for the inspection and weighing of hay and coal, ice, and the measurement of coal, gas and other fuel to be sold in the city.

Sec. 12. To regulate, locate, abate or prohibit slaughter houses, gas reservoirs and tanks, glue factories, bone boilers, hide houses or establishments for burning hides, soap factories, places for rendering lard, tallow, offal and other substances that can be rendered, and all other establishments where any nauseating, dangerous, offensive or unwholesome business may be carried on.

Sec. 13. The City of Collinsville shall have the right and power, by ordinance, to provide that the tenant or owner of any property shall pay to the city reasonable charges for the removal of night soil or other refuse matter from the closets of the premises thereof, and to prohibit any one except some one in the employ of the city, or by the city authorized to do so, from removing or carrying away the contents of any privy, vault, or water closet, or any receptacle of human excrement, and the city shall have the right to have inspected the premises of all persons, at any time, in the interests of the public health, and for the purpose of making said inspection, the officers or agents of the city, duly authorized to do so, shall have a right to enter upon the premises of any person at any hour during the daytime to make said inspection. Whenever notice is given by any officer or employe of the city inspecting any premises that said premises need cleaning, the said night soil or other refuse matter shall be removed and the owner or tenant of said premises shall pay the city the price prescribed therefor, and failure to do so shall subject said person to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the Police Court, in any sum not less than five

dollars nor more than one hundred dollars.

Sec. 14. The City of Collinsville shall have jurisdiction over all places within five miles of the corporate limits of the city, for the enforcement of all health, quarantine or waterworks ordinances and regulation thereof.

Sec. 15. The Board of Commissioners are hereby authorized and required to create a Board of Health for the city, whose duties and jurisdiction shall be determined and prescribed by the said Board or Commissioners; said Board of Health to consist of not more than five reputable physicians of the City of Collinsville, to be appointed by the Business Manager and confirmed by the Board of Commissioners.

Sec. 16. The Board of Commissioners shall appoint a Commission of Charities, not exceeding three members, and prescribe by ordinance their duties.

## Article XII.

Section 1. Municipal Service. The City of Collinsville shall have power: To buy or construct, own, maintain and operate a system or systems of waterworks, gas or electric lighting plants, telephone, street cars and sewers, or any other public service or enterprise that may be approved by a majority of the qualified tax-paying voters of the City of Collinsville, voting therefor, at any regular election for city officers, or at a special election called for that purpose, in accordance with the provisions of the charter; and may demand and receive compensation for such service furnished for private purposes, and shall have power to condemn the property of any person, firm, or corporation, for the purpose of operating and maintaining any such utility, and for distributing such service throughout the city or any portion thereof, but in such condemnation proceedings no allowance shall be made for the value of any franchise and only the actual physical

assets shall be purchased by the City of Collinsville.

Sec. 2. To acquire or own within or without the city limits either by purchase, donation, bequest or otherwise, all property it may need for any municipal purpose, whatever; and all necessary right of ways thereto, and shall also have the power to sell and dispose of the same, except as otherwise provided in this charter.

Sec. 3. To provide all needful buildings for the use of the city; to provide for enclosing, improving, ornamenting and regulating all public grounds belonging to the city; to provide hospitals and regulate and maintain the same, and to permit or prohibit private hospitals; and to establish an active system of inspection over premises and conduct of persons.

To purchase or condemn and hold for the city, within, or outside of the city limits within five miles therefrom, all necessary lands for hospital purposes and waterworks and erect, establish and regulate the hospitals, workhouses and poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances, and to make provisions for furnishing the city with water; and water rates shall be fixed annually by the commissioners at their first meeting in June; provided, the condemnation of such property outside of the city limits shall be regulated in all respects as provided by law for the condemnation of property for railroad purposes; and provided, further, that the police jurisdiction of the city shall extend over such lands and property to same extent as over public cemeteries.

Sec. 4. To lay out, establish, open, alter, widen, lower, raise, extend, grade, narrow, care for, pave, supervise, maintain and improve street, alleys, sidewalks, squares, parks, public places and bridges and to vacate and close the same; to sprinkle, sweep and care for

the streets and regulate the use thereof, and to require the removal from the streets and sidewalks of all obstructions, telegraph, telephone, street railway or other poles carrying electric wires, signs, fruit stands, show cases, awnings, and encroachments of every character upon said streets and sidewalks; and to vacate and close private ways.

The cost of constructing sidewalks and keeping the same in repair, together with the cost of collection, shall be defrayed entirely by the property owners in such manner as the Board of Commissioners may provide, and shall be a perpetual lien on the property until paid.

Sec. 5. To prevent any street or sidewalk from being dug up or excavations to be made therein, unless the same be done with the permission of the Board of Commissioners and under the direction of the City Engineer, or other officer designated by the Board of Commissioners, and to prescribe and exact fees for such privileges and deposit as guarantees of proper restoration of such streets or sidewalks.

Sec. 6. To regulate, establish and change the grade of all sidewalks, streets and premises and to require and compel the filling up and raising the same.

Sec. 7. To permit, prevent and regulate the laying of gas, water and sewer mains and pipes in the City of Collinsville; to compel any person using the streets, alleys or sidewalks for building or other purposes to repair, clean up and restore said streets, sidewalks, and alleys so used.

Sec. 8. To provide for, establish and maintain a free public library within the city, and to co-operate with any person, firm or corporation under such terms as the Board of Commissioners may prescribe for the establishment of such free library, and to that end they shall appropriate annually out of the general revenue of the city a fund for

the support and maintenance of said public library.

Sec. 9. To buy, establish, lease, maintain, regulate and operate markets and market places, and abattoirs, and to build, own and maintain buildings therefor, and to rent and lease the same.

Sec. 10. To establish and maintain sanitary closets for the service of the public, and to obtain by purchase or condemnation property for such closets.

Sec. 11. The city shall have power to open, widen, extend or otherwise improve any street, avenue, alley; and to annul, vacate or to discontinue the same or to grant to any other public use when deemed necessary or expedient; to provide that all damages sustained by citizens of the city or owners of property therein shall be ascertained by condemnation proceedings, such proceedings shall be had in all respects as provided by law for the condemnation of property for municipal purposes in cities of the first class, and provided further, that whenever any street, avenue or alley shall be vacated the same shall revert to the owners of real estate thereto adjacent on each side in proportion to the frontage of said real estate, except in cases when such streets, avenues, or alleys shall have been taken and appropriated to public use in a different proportion, in which case it shall revert to adjacent lots of real estate in proportion as it was taken from them, provided, that when in the opinion of the Board of Commissioners of the city, that it is necessary to reopen such alleys that they may order such alley opened without any expense to the city.

Sec. 12. The city shall have power to prohibit and prevent all encroachment into and upon the sidewalks, streets, avenues, alleys and other property of the city, and may provide for the removal of all obstructions from the sidewalks, curbstones, gutters and cross walks at the expense of the owners or occupiers of the grounds fronting there-

on, or at the expense of the person placing the same there; the city may also regulate the planting and protection of shade trees in streets and the building of bulk heads, cellar and basement ways, stairways, railposts, awning posts, and all other structures projecting upon or over and adjoining, and all excavation through and under the sidewalks or along the streets of the city.

Sec. 13. The city shall have power to establish, alter and change the channel of water courses and wall them and cover them over; and may establish make and regulate public wells, cisterns, aqueducts and reservoirs of water and provide for the filling of same.

Sec. 14. The city shall have power to provide for and regulate the lighting of the streets and erecting of lamp posts and shall have power to make contracts with and authorize any person, company or association to erect gas or electric works in such city and give such person, company or association the privilege of furnishing gas or electricity to light the streets and alleys of said city for any length of time not exceeding twenty-five years but no such grant shall be construed as to prevent the city from granting to other persons, or companies, or corporations the right to use the streets for like purposes; and all such grants shall be subject, at all times to reasonable regulation, by ordinance.

Sec. 15. To fix the salary of any officer of the city, not fixed by this charter, to create such other offices as may be required from time to time and to abolish said offices and to fix salary of the same.

### Article XIII.

Section 1. Franchises. The ownership, right of control and use of the streets, highways, alleys, parks, public places and all other real property of the City of Collinsville, is hereby declared to be inalienable to said city, except by ordinance passed by the vote of the major-

ity of the Board of Commissioners, as hereinafter provided; and no franchise or easement involving the right to use the same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinance granting the same. No act of omission of the city, its Board of Commissioners, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise, or easement, not expressly franchised by ordinance.

Sec. 2. The City of Collinsville shall have power subject to the terms and provisions hereof, by ordinance, to confer upon any person or corporation the franchise or right, to use the property of the city, as defined in the preceeding section, for the purpose of furnishing to the public any general public service, including heat, light, power, telephone service, refrigeration, steam, or the carriage of passengers or freight within the said city, or for any other purpose whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to, in part, appropriate the streets, highways or other property of the city, is necessary or proper, provided that no franchise shall be granted by said city to any person, firm or corporation, to own, control or operate waterworks or electric light and power plant therein.

Sec. 3. No exclusive franchise or privilege shall ever be granted, nor a franchise, nor a privilege to commerce at any time after six months subsequent to the passage of the ordinance granting the same and no franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, nor shall any franchise be granted to any person or persons or corporation, authorizing such person or corporation, their associates, assigns or successors to acquire the physical property, rights or fran-

chise of another person or corporation to whom or which a franchise has already been granted by the city whereby the rights and properties held and used under such franchise are assigned to another person, firm or corporation which holds a franchise extending beyond the time of the expiration of the franchise of the person, firm or corporation selling such physical properties, rights or franchise.

Sec. 4. The City of Collinsville shall have the power by ordinance to grant any franchise or right mentioned in the preceeding sections hereof; provided that the city shall not grant, extend or renew a franchise without the approval of a majority of the qualified tax-paying voters residing within its corporate limits who shall vote thereupon at a special or general election; and the legislative body of the city shall submit any such matter for approval or disapproval to such electors at any general municipal election or call a special election for such purpose upon thirty days' notice and no franchise shall be granted, extended or renewed for a longer period than twenty-five years.

Whenever a petition signed by a number of qualified voters of the city, equal to twenty-five percentum of the total number of votes cast at the next preceeding general municipal election, demanding that a franchise be granted, extended or renewed, shall be filed with the chief executive officer of the city, the chief executive officer shall, within ten days, thereafter call a special election, at which he shall submit the question of whether or not such franchise shall be granted, extended or renewed, and if at such election the majority of the said tax-paying voters voting thereon shall vote for the granting, extending or renewing of such franchise the same shall be granted by the proper authority at the next succeeding regular meeting of the legislative body of the city.

Sec. 5. All persons or corporations to

whom franchises may hereafter be granted, or their assigns and successors, shall as compensation for the right or privilege enjoyed pay to the city a sum not less than four per cent. of the gross receipts of the business pursued by the holders of the franchise. The amount of said bonus or compensation shall be fixed by ordinance granting the franchise and shall be payable on the twentieth day of January in each year, for the preceeding year. Said bonus or compensation shall be exclusive of and in addition to all lawful ad valorem taxes upon the value of the franchise or other property of the holder thereof, and lawful occupation taxes imposed upon the occupation or calling the holder of such franchise. The Board of Commissioners may, however, in their discretion in the order granting any franchise, provide, that no bonus shall be paid for the first five years thereof, when such power has been conferred upon the Board of Commissioners by a majority of the tax-paying voters voting on said proposition at a regular or special election.

Sec. 6. In order to ascertain the true amount of such gross receipts and to determine the amount of such bonus or compensation and for any other purpose relating to the business or affairs of the franchise holder, the Board of Commissioners shall have power to examine or cause to be examined the books, papers, and records of franchise holders; to take testimony and compel the attendance of witnesses under oath and under such rules and regulations as said Board of Commissioners may adopt, and should any franchise holder refuse inspection of its books, papers or records or the production of the same when lawfully required to do so by the said Board of Commissioners, or should any officer, agent, or employe of said franchise holder refuse to give testimony before said Board of Commissioners, then said Board of Commissioners shall have power, by ordinance, to declare the franchise or privilege enjoyed by such cor-

poration, or person so in default, annulled and terminated.

Sec. 7. The right is hereby delegated to the City of Collinsville acting through its Board of Commissioners to determine, fix and regulate the charges, corporation enjoying or that may enjoy a franchise or exercising any other public privilege in said city and to prescribe the kind of service to be furnished by such person, firm or corporation, and the manner in which it shall be rendered, and from time to time to alter or change such rules, regulations and compensation. The Board of Commissioners shall make rules and regulations granting a fair hearing to persons or corporations to be affected by said regulations, and no change in regulations shall be adopted except after notice to the persons affected and after a fair hearing shall be granted them; provided, that in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying a franchise shall be considered unless upon proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and Constitution of the State applicable thereto; and in order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the Board of Commissioners shall have full power to inspect books and compel attendance of witnesses as provided herein for a failure or refusal to attend and testify or produce books.

Sec. 8. No franchise shall hereafter be granted except upon condition that the city shall have the right at any time after fifteen years from the granting thereof to purchase the physical properties of the franchise holder and to terminate its franchise, and all privileges enjoyed by it thereunder;



provided, the majority of the qualified tax-paying voters of the city voting thereon, shall vote to do so; provided, that upon the petition of fifteen per centum of the qualified tax-paying voters to the Board of Commissioners the matter of the acquisition of such property shall be submitted to an election to be determined by a vote of the majority of the qualified tax-paying voters, voting thereon; which election shall be held at the next preceeding election in said city, after at least twenty days' notice shall have been published three times in a daily or weekly newspaper, published in said city and provided, that the owner of such physical property shall be compensated for the value thereof, considering solely the physical assets, such value to be determined by the report of the majority of three arbitrators, one to be selected by the city, one by the owner of the physical property to be valued, and the third by the arbitrators so selected. But if the owner of such physical property shall refuse for thirty days to select an arbitrator, then the value of such property shall be fixed by vote of the majority of the Board of Commissioners.

Sec. 9. Ordinances granting franchises shall be subject to the terms hereof, and shall contain such terms and conditions as the Board of Commissioners shall see fit to impose. All franchises shall be exercised in accordance with the terms of the ordinance granting the same and of this charter. If such franchise shall not be exercised in substantial accordance with the terms hereof, and of the ordinance granting the same, then after notice to and reasonable hearing of the holders thereof, such franchise may be cancelled or annulled and the Board of Commissioners shall, by ordinance, adopt reasonable rules and regulations for such notice and hearing.

Sec. 10. Any franchise or right which may hereafter be granted by any person or corporation to operate a street

railway within the city or its suburbs shall be subject to the condition that the Board of Commissioners shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into the City of Collinsville, the right to operate its cars over the tracks of said street railway insofar as may be necessary to enter said city and to reach the section thereof used for business purposes; provided, that the person or corporation desiring to operate its cars over the lines of said street railway shall first agree in writing with the owner thereof to pay it reasonable compensation for the use of its tracks and facilities. And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation within sixty days from offering in writing to do so, and as to terms and conditions of the use of said track and facilities, the Board of Commissioners shall by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the board, when so made, shall be binding on and be observed by the parties concerned.

Sec. 11. Interurban railways are defined to be in the meaning of this charter, railways operating their cars by electricity or other motive power, for the carriage of freight and passengers for hire, not wholly within the city and its suburbs to other towns, cities or villages.

Sec. 12. The Board of Commissioners shall have power, subject to the terms and conditions contained in this charter, to grant to any person or corporation desiring to extend an interurban railway into the city, the right to lay tracks and operate cars over the streets or other property of the city and over the tracks of other street railways for a term not exceeding twenty-five years.

Sec. 13. The right mentioned in the

preceding section shall be granted by ordinance only. The granting or refusing of the right or franchise herein mentioned shall be subject to the terms and provisions of this charter concerning the submission of general franchises to a vote of the qualified tax-paying voters of the city, which shall in all things govern and apply thereto.

Sec. 14. The ordinance granting such right or franchise, shall contain such conditions as may seem proper to the Board of Commissioners and shall provide for such reasonable compensation to the city as may seem just to the board for the use of the franchise or right granted, which compensation shall be payable annually. And the ordinance granting such right or franchise shall provide that failure to pay said compensation at the time specified therein shall forfeit and terminate said franchise. Said compensation shall be deemed to be a bonus payable to the fares or rates of any person, firm or city for the use and the right granted and shall be exclusive of and in addition to all ad valorem or occupation taxes, payable by the owner of said franchise.

Sec. 15. The terms of this charter concerning the granting of franchises to persons or corporations for the purpose or rendering any public service wholly within the city and its suburbs shall not apply to interurban railways, except as specified in the four preceding sections and in the various sections providing for the referendum.

Sec. 16. The Board of Commissioners shall have power to authorize steam railways operating their lines from the City of Collinsville to other towns and cities beyond its limits to lay their switches on and over the streets and other property of the City of Collinsville, or such parts thereof as the Board of Commissioners may see fit, subject to the terms of this charter and to such

conditions as may be imposed by the Board of Commissioners.

Sec. 17. The City of Collinsville shall have the power, by ordinance or otherwise, to regulate the speed of engines, locomotives and street cars within the limits of said city; and to require steam interurban and electric railway companies to keep the streets over which they run properly drained and to light the same wherever deemed necessary and to require steam, interurban and electric railway companies to construct and keep in repair from curb to curb, bridges and crossings over all ditches made or crossed by any line of said railways on all streets over which they run; to direct and control the laying and construction of railroad tracks, turnouts and switches and to regulate the grade of same, and to require them to conform to the grade of the streets of said city as they may hereafter be or are now established, and that said tracks and turnouts and switches be so constructed and laid out so as to interfere as little as possible with the ordinary travel in the use of the streets; to require steam railways using any portion of the streets of the city to pay all or any part of the paving, grading, draining and repairing thereof along the streets so used by such railway, and to light the same whenever and wherever deemed necessary or advisable; to require any street or electric railway company to pay the cost of grading, paving, repairing or repaving, or otherwise improving the street or streets or intersections thereof used or occupied by such railway company and such cost shall be a lien upon the property and franchise of the company.

The portion of the street occupied by an electric or street railway company shall be deemed to be the space between its tracks and twenty-four inches on the outside of each of its rails, and all the space between double tracks, turnouts and switches.

Any railroad company, interurban or



street railway company proposing, with the permission of the City of Collinsville, to occupy any street or streets already occupied by any other such company shall, besides paying for paving as may be required by the City of Collinsville or by the provisions of this charter, be required also to pay for paving between the tracks of said roads within twenty-four inches of the track if such other road, and such costs shall be a lien upon the property and franchises of the company; and if the Board of Commissioners shall so direct, said street or electric railway company may be required to pave the street or streets occupied by them from curb to curb.

Should any railroad or street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this act, it shall become liable for the portion of the cost of such improvement as the Board of Commissioners may direct, or as is fixed by this charter. No railroad or street railway company shall be permitted to occupy any street or portion of a street, improved or otherwise, not previously occupied by it, except with the permission of the Board of Commissioners, and majority of the tax-paying voters voting therefor at a regular or special election.

Sec. 18. All persons or corporations now operating, or hereafter operating within the corporate limits of the City of Collinsville, any interurban electric railway line, either on their own or other street railway tracks, shall be required to give reasonable local passenger service thereon within the corporate limits of the City of Collinsville between all points on said interurban line or lines for a fare not exceeding five cents, and to that end shall be required to stop passenger cars so operated by them at all street crossings in said city, to take on and let off local passengers, provided that this shall not apply to any portion of such

interurban lines where local service is furnished by local cars to the same extent as is required under the foregoing provisions hereof.

Sec. 19. The City of Collinsville shall have the power by ordinance, to fix and regulate the price of water, gas and electric lights, and to regulate and fix the fares, tolls and charges of local telephones and exchanges of public carriers and hacks, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls and charges, and the kind of service of all public utilities of every kind.

Sec. 20. The Board of Commissioners shall have the power to require any corporation holding a franchise from the city to allow the use of its tracks, poles and wires by any other corporation to which the city shall grant a franchise, upon the payment of a reasonable rental therefor to be fixed by the Board of Commissioners.

Sec. 21. Any election and all regular and special elections held in and for said city shall be governed in all respects by the general election laws of the State, except as herein specially provided.

Sec. 22. The Board of Commissioners shall be vested with the power and charged with the duty of adopting all laws and ordinances not inconsistent with the constitution and laws of this State touching every object, matter and subject within the purview of the local government instituted by this charter.

Sec. 23. All salaries and wages to be paid employes of the city, except as otherwise provided herein, shall be fixed and paid by the Board of Commissioners, acting as a whole, and shall not become effective unless at least two members of the board shall vote therefor.

Sec. 24. It shall be the duty of the Board of Commissioners, on the second Monday in July, or as soon thereafter as practicable, to appropriate such sums

of money, respectively, for each of the various departments of the city government as it deems necessary for the maintenance and operation thereof during the current year. The current fiscal year shall begin at 12:01 o'clock a. m., on the first day of July of each year.

In addition to the department appropriations herein provided for, the Board of Commissioners shall also make such appropriations for contingent purposes, as may be deemed necessary.

The appropriation herein provided for based upon estimates submitted by the Business Manager, in his annual budget, provided the same shall have been submitted to the board as herein provided.

The head of each department created by the Board of Commissioners shall make a written report to the Business Manager not later than the fifth day of July in each and every year, showing the operation of such department for the preceding year. These reports shall be transmitted to the Business Manager and shall accompany and be made a part of the Business Manager's report to the Board of Commissioners, which report shall not be made later than the second Monday in July in each year.

The Business Manager shall also make such recommendations to the Board of Commissioners concerning the increase or decrease of departmental estimates as in his judgment may best serve the interests of the city. He shall also submit an estimate for a special contingent fund for the current year.

In making up the budget allowance for any current year the Board of Commissioners shall first make provisions for the payment of the interest and for the creation, setting aside and preservation of a legal sinking fund upon all of the outstanding indebtedness of the city and shall then make such appropriations as the remaining revenues of the city may justify to be appropriated among the respective departments, or otherwise appropriated for public uses,

as the Board of Commissioners may deem best; provided, however, that in no case shall the entire appropriation so made, including interest and sinking fund on the bonded debt, and appropriation, for all other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenue of the city derived from ad valorem taxes upon the basis of the total valuation of property for taxation for the preceeding year, and of such other contingent revenues of the city as will probably accrue.

It shall be deemed malfeasance for the Board of Commissioners to make an appropriation in the budget, the sum total of which shall exceed the estimated available or probable revenues for any current fiscal year.

Sec. 25. The Board of Commissioners at its second regular meeting in June of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but special taxes or assessments allowed by this charter may be levied, assessed and collected at such times as the Board of Commissioners in each case may provide.

Sec. 26. The Board of Commissioners shall have full power to provide, by ordinance, for the prompt collection of taxes, levied, and imposed under this charter, and are hereby authorized, and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing and collecting of any taxes provided for in this charter. Unless otherwise provided by this charter and by ordinance passed thereunder, all property in such city liable to taxation shall be assessed in accordance with the provisions of general laws of the State insofar as applicable.

Sec. 27. The Board of Commissioners shall have the management and control

of the finances of the city except as otherwise herein provided. They shall have the power to appropriate money and provide for the payment of debts and expenses of the city; to provide by ordinance special funds for special purposes provided for under the provisions of this charter, and to make the same disburseable only for such purpose, and to impose proper penalties for enforcing the same; to provide by ordinance for the payment of any existing and outstanding indebtedness and for the payment of any bonds that may from time to time, be issued, and shall for such purposes have the power to levy, assess and collect a special tax.

Sec. 28. The Board of Commissioners shall have the power to fund or refund by ordinance the whole or any part of the existing debts of the city, or any further debt by acquiring and cancelling the evidence thereof and to issue other bonds in lieu thereof, either registered or coupon, bearing interest at a rate not greater than the original indebtedness, and to this end may apply the sinking fund, belonging to any series of bonds so refunded, and may pay and retire any bond by using the sinking fund thereof.

Sec. 29. Neither the Business Manager nor any member of the Board of Commissioners, nor any elective or appointive employe of the city, shall be directly or indirectly in the employ of any person, company, or corporation holding or seeking to hold any franchise of the City of Collinsville, or shall receive, directly or indirectly, any wage, commission fee, gift, favor or payment from any such franchise holder, and a violation of this section shall ipso facto, render vacant the position held by the person so violating it, and shall be punished as bribery.

No member of the Board of Commissioners or any other officer of the city shall be directly or indirectly interested in any work, business or contract, the expense, price or considera-

tion of which is paid from the City Treasury, or by any assessment levied by ordinance or resolution of the Board of Commissioners; nor by the surety of any person having any contract work or business with said city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city. Contracts in violation of said provision shall be void, and any officer violating the foregoing provisions shall be deemed guilty of malfeasance.

Sec. 30. The Board of Commissioners shall by ordinance adopt such rules and regulations for its government and order of business as its members may deem best. It shall be the judge of the qualifications and election of its members, including the Business Manager, and shall have authority to recount the votes cast for either of its members, and to correct the results, which may have been theretofore declared, in the event notice of a contest of any such election shall be given within thirty days after such election shall have been held. It shall also be the judge of the election and qualification of all other city officers subject to the provisions of this charter applying thereto. It may punish members, or other persons, during its sittings by fine or imprisonment in the city jail, or by both such fine and imprisonment, for disorderly conduct.

Sec. 31. The Business Manager and each commissioner and clerk, and City Assessor and Collector of Taxes, be, and they are hereby authorized to administer oaths in the municipal affairs and government of the city.

Sec. 32. All the powers vested in this charter in the Board of Commissioners of the City of Collinsville, in regard to ordinances and all legislative authority vested in said board, are subordinate and subject to said powers of the initiative and referendum as set forth in the Constitution and statutes of the State of Oklahoma, which are now in

force and effect, or which may be hereafter passed to carry out the provisions of the constitution in regard to the initiative and referendum.

#### Article XIV.

##### Revenue and Taxation.

Section 1. The City of Collinsville shall have the power and is hereby authorized annually to levy and collect taxes for general revenue purposes, not to exceed eight (8) mills on the dollar of the assessed value, on all real, mixed and personal property in the city, not exempt from taxation by the Constitution and Laws of the State of Oklahoma; provided, that an additional levy of not more than four (4) mills on the dollar of the assessed value on all real, mixed and personal property in the city, not exempt from taxation by the Constitution and Laws of the State, when a majority of the qualified tax-paying voters of the city, voting at an election held therefor or at any other election, shall vote in favor thereof.

Sec. 2. The City of Collinsville shall levy and collect sufficient additional revenue to create a sinking fund to be used, first, for the payment of interest coupons as they fall due; second, for the payment of bonds as they fall due; third, for the payment of such parts of judgments as said city may, by law, be required to pay; fourth, for the payment of special assessment.

Sec. 3. The assessment and collection of taxes shall be under the supervision of the Board of Commissioners, and they shall be directly responsible for the performance of all duties relating thereto. They shall assess all taxable property in such manner and at such time as they may prescribe by ordinance in accordance with the provisions of this charter. They shall have power to require all property holders to tender a correct account of their property under oath or affirmation to be administered by them or by any duly authorized officer of the City of Collinsville, having power by ordinance by vir-

tue of his office to assess and collect the taxes herein provided for. The Board of Commissioners shall collect all taxes due the city, whether the same be general, special assessment, occupation, license or otherwise, and shall deposit same in the city's depositories within twenty-four (24) hours of their collection and shall make and publish a monthly report of the same. They shall be vigilant and see that no business of any kind is conducted unless the license or occupation tax due shall have been first paid. The Board of Commissioners shall be responsible for all acts of the officials charged with the assessment and collection of the taxes herein provided for. They shall be active in the collection of all delinquent taxes and enforce their collection as herein provided, and as may be provided by ordinance.

For the failure of any officer to deposit in any of the depositories of the city within twenty-four hours of the collection thereof of all moneys collected by him, said officer and the sureties on his bond shall be required to pay interest to the city at the rate of ten per cent. per annum on such money until deposited. Failure to deposit any collection as required, shall remove said officer, ipso facto, and failure to so remove any officer, so failing, shall be sufficient cause to remove from office the Board of Commissioners. If the Board of Commissioners propose to increase any assessment over the amount assessed in the preceeding year, they shall cause notice to be given to the owner, stating the fact that the assessment of the property is about to be increased, and said notice shall be addressed to the owner, agent or representative thereof, and mailed at the postoffice in the City of Collinsville, and shall give further notice by publication three times in some newspaper published and of general circulation in the city and not less than three days shall intervene between each publica-

tion if such publication be made in a daily newspaper, if made in a weekly newspaper it shall be published twice and not less than one day shall intervene between the last day of publication and the day set for the hearing. Said notice need not specifically designate the particular property, or the amount to be increased. When the owner is unknown the newspaper notice shall be sufficient.

The Board of Commissioners shall have power to prorate the taxes against tracts of land owned by different owners, which have been taxed together as one tract, and to divide and apportion the lien to each of the several tracts according to its proportion of the entire assessment.

For the purpose of carrying out the provisions herein made for the assessment and collection of taxes, the Board of Commissioners shall create by ordinance the office of City Assessor and Collector of Taxes, provide the rules and regulations for said office not inconsistent with the provisions of this charter and may combine said office with any other office.

Sec. 4. The Board of Commissioners shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under this charter, and are hereby authorized, and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may, and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing and collecting of any taxes provided for in this charter. Unless otherwise provided by ordinance and this charter, all property in such city liable to taxation shall be assessed in accordance with the provisions of the general laws of the State, insofar as applicable.

Sec. 5. The Board of Commissioners shall have power by ordinance to reg-

ulate the manner and mode of making out tax lists, inventories and appraisements of property therein, and to prescribe the oath that shall be administered to each person on rendition of his property, and prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls and fix the duties and define the powers of City Assessor and adopt such measures as the Board of Commissioners may deem advisable to secure the assessment of all property within the city limits, and collect the tax thereupon, and may provide a fine for all persons neglecting, failing or refusing to render their property for taxation.

Sec. 6. The Assessor of Taxes shall, at least ten days before the first day of January of each year, give public notice by advertisement in some paper, that all persons owning or controlling, as agent or otherwise, any personal property or real estate subject to municipal taxation on or before the first day of April of each year. All merchants doing business in the city are required within the same time, to furnish the Assessor and Collector of Taxes a true statement, verified by affidavit, of all goods, wares and merchandise owned or kept on hand by such merchant on the first day of January. Any merchant failing to comply with this requirement shall be liable to such fine as may be imposed by ordinance.

Sec. 7. If the Assessor of Taxes shall discover any real or personal property which was subject to taxation for any previous year, and which from any cause has escaped taxation for that year, he shall assess the same in a supplement to his next assessment roll at the same rate under which such property should have been assessed for such year, stating the year, and the taxes thereon shall be collected the same as other assessments: Provided, that such supplement roll may be made at any time and reported to the Board of Com-

missioners for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed in such supplement rolls for years previous to the approval of such rolls by the Board of Commissioners, and such taxes may bear interest at the rate of six per cent. per annum from date on which the same would have been delinquent if levied and assessed, and if the same shall not be paid within thirty days after the date of such approval the Board of Commissioners shall proceed to collect the same by advertisement and by sale of such property as soon as practicable; such advertisement and sale to be made in the same manner, and for the same time as in cases of the sale of such property for other ad Valorem taxes, as prescribed by the city charter: Provided, that a misnomer of, or failure to name the owner in the assessment roll shall not affect the validity of the assessment of any taxes; and, provided further, that when such taxes have not been attempted to be assessed for such previous year, such taxes shall bear interest only from the date of approval of the supplement rolls. The Assessor of Taxes may in any year reassess property, which, because of irregularity in the assessment, of any previous year may have been improperly assessed; such reassessment shall be at the value at which it should have been assessed in any such year, and property owners of such property shall take notice of such reassessment, if made prior to the first of April in any year, but if made after such date, notice shall be given by the Assessor and Collector of Taxes as in case of the raising of an assessment. Any property owner whose property has been reassessed may appeal to the Board of Commissioners as in case of an original assessment.

Sec. 8. The Assessor of Taxes shall assess all property which for any cause has not been rendered, placing such valuation thereon as he may deem just. If the owners of such property are un-

known, such assessment may be made in the name "unknown."

Sec. 9. No irregularity in the time or manner of making or returning the city assessment rolls or the approval of such rolls shall invalidate any assessment.

Sec. 10. All property, real and personal, shall be rendered for taxation by the owner thereof or his agent as provided by the laws of the State for the rendition of property for assessment by the county: Provided, however, that in making such renditions the owner or agent shall not be required to state the value of the real property, but shall furnish to the assessor, verified by the oath of the party making such rendition, a full and complete list and schedule of all property, real and personal, belonging to the person, firm or corporation in whose name such property is rendered. It shall be the duty of the assessor to value each and every item of the property so rendered in accordance with the fair cash value estimated at the price it would bring at a fair voluntary sale to be applied alike to all tax-payers, and to transmit to the Board of Commissioners all renditions thus made, together with a statement by him, verified by his oath, to the effect that he has truly, fairly and equally valued all such property. The Board of Commissioners, sitting as a board of equalization and appeals, shall revise the tax rolls, and it shall be their duty to correct all unequal assessments, and to increase or reduce the valuation fixed by the assessor as the case may require, so as to equalize the basis and method of assessment adopted for all such renditions. It shall also be their duty to hear and fairly determine all appeals from property assessments fixed by them or under their authority. It shall be the duty of the Board of Commissioners to adopt such rules and regulations from time to time as to them may appear necessary to secure complete renditions for assessments of



all taxable property in the city.

The Board of Commissioners shall cause to be prepared, as soon as practicable, an alphabetical list of the taxpayers of the city, together with the total amount of property assessed against each which list shall be preserved in the office of the Business Manager and shall be accessible to the public.

Sec. 11. A lien is hereby created on all property, personal and real, in favor of the City of Collinsville, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from August first each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien, but the Business Manager shall pursue such property, and whenever found may seize and sell enough thereof to satisfy such taxes.

Sec. 12. If anyone against whom a personal tax is assessed, and which is due and unpaid, whether the same be delinquent or not, shall have removed out of the city, or shall be about to remove out of the city, or shall have removed or about to remove his personal property out of the city, it shall be the duty of the Business Manager to proceed at once and collect such taxes by seizure and sale of any personal property of such person to be found in the City of Collinsville or anywhere in the State of Oklahoma.

Sec. 13. All taxes shall be payable at the office of the Business Manager or City Assessor and Collector of Taxes, and the Board of Commissioners shall have full power to sell or cause to be sold, all personal and real property for taxes due, and shall make all rules and regulations necessary for such purpose.

Sec. 14. No demand for taxes shall be necessary, but it is hereby made the duty of every person or corporation subject to taxation to attend at the office of the Business Manager some

time between the first day of August and the first day of November in each year and pay his or her taxes. If any taxpayer shall fail to pay such taxes before the first day of November after the same shall become due, the same shall be delinquent and bear interest at the rate of six per cent. per annum. Upon all taxes paid or collected after the first day of November the Business Manager shall collect from the delinquent taxpayer a penalty of two per cent. of the total amount of taxes collected or paid by such taxpayer. On all taxes paid or collected after the first day of December next following the time when such taxes shall have become due, the Business Manager shall collect a penalty of four per cent. on the total amount of taxes paid or collected. On all taxes paid or collected after the first day of January next following the date on which such taxes shall have become due, the Business Manager shall collect a penalty of six per cent. on the total amount of taxes paid or collected. On all taxes paid or collected after the first day of February next following the time at which such taxes shall have become due, the Business Manager shall collect a penalty of ten per cent. on the total amount of taxes paid or collected, which penalty shall be cumulative of and in addition to the interest provided for by this section and such penalties shall be an obligation of the taxpayer, and be secured by the same lien and collected in the same manner as the taxes.

Sec. 15. The Business Manager shall, by virtue of his tax rolls, have power and authority to seize and levy upon personal property and real estate and sell the same to satisfy delinquent taxes. When he seizes personal property for such purposes he shall keep the same at the expense of the owner until the sale is made, and shall give notice of the time and place of sale of same by posting a written notice at the City Hall door, at least ten days before the



date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost and expense of carrying for said property, and shall make an entry in the books of sales of the amount realized; all such sales shall be made at any door of the City Hall specified by ordinance.

Sec. 16. Before sales of real estate are made, notice of the time and place of sale, together with, as near as may be, a description of the property shall be given by posting one notice at the City Hall in the City of Collinsville, also by publication in some newspaper of the city, for at least three weeks, and shall be published not more than twice in any one week which shall contain a statement of the amount due on each particular piece of ground; all such sales shall be made at any door of the City Hall, specified by ordinance.

Sec. 17. The Board of Commissioners shall have full power to do, or cause to be done, everything whatsoever necessary to enforce a prompt and valid assessment and collection of all taxes and assessments provided for in this charter, and to make all regulations necessary for a valid assessment of such taxes and for the sale of property for said taxes and assessment.

Sec. 18. The Business Manager shall, where any real estate has been sold for taxes, make and execute a deed to the purchaser for the property sold, which deed shall be prima facie evidence of the following facts:

First. That the lot or lots, or property conveyed, was or were subject to taxation and assessment at the time of such sale, and at the time taxes thereon were levied and assessed, and that such taxes were regularly levied and assessed in all respects according to law.

Second. That such taxes were not paid in whole or in part at any time before such sale and that a lien existed on the property conveyed in such deed for taxes.

Third. That the real estate therein

conveyed was advertised according to law.

Fourth. That the property conveyed was advertised according to law, was regularly and lawfully sold for taxes which were delinquent at the time of the advertisement and sale.

Fifth. When such property shall have been sold to the City of Collinsville or any other purchaser, at such sale, either for general or special taxes, the title acquired by the city, or such purchaser shall not be disputed by any person whomsoever, or for any cause whatever, except upon tender to said city, or purchaser, of the taxes lawfully due on such property for which such sale was made, together with lawful interest thereon, and all accrued penalties and costs, as provided by the city charter of the City of Collinsville.

Sec. 19. A sale of personal property for delinquent taxes shall convey with it an absolute title and the owner shall have no right to redeem the same.

Sec. 20. The city shall have the right to become a purchaser of property at tax sales, and the chairman of the Board of Commissioners shall attend such sales for such purpose, and may empower any person to so bid on behalf of the city.

Sec. 21. Whenever any real property is bid off to the city, or to any individual for delinquent taxes, the owner or attorney, or his agents may redeem the same at any time within two years from day of sale by paying the following amounts:

All taxes paid or due, ten per cent per annum interest thereon from the time they became delinquent, and two and one-half (\$2.50) dollars as costs on each piece of property sold, and as a further penalty, a sum equal to twenty-five per cent. of the amount of the delinquent tax, if redeemed in three months; fifty per cent penalty if redeemed in six months, seventy-five per cent. penalty if redeemed in one year, and one hundred per cent. if redeemed

thereafter within two years, the said penalties to go to the purchaser at tax sales, whether the purchaser be the city or an individual.

Sec. 22. All levies of ad valorem taxes heretofore made by the City of Collinsville, and all assessments heretofore made, and assessment rolls heretofore placed in the hands of the City Collector of Taxes for collection are hereby validated and the same shall be legal and binding, regardless of any irregularity that may exist in the manner of making such levies, and the making and returning of such assessment rolls. This provision shall apply to all suits and actions now pending, as well as those hereafter prosecuted.

Sec. 23. In any suit by the City of Collinsville for the collection of any delinquent tax where it shall appear that the description of any property in the city assessment rolls shall be insufficient to identify such property the city shall have the right to set up in its pleadings a good description of the property intended to be assessed and to prove the same, and to have its judgment foreclosing its tax lien upon the same and personal judgment against the owner for such taxes, the same as if such property were fully described upon the assessment rolls.

Sec. 24. When the owner of the property or his agent shall render any property to the assessor for assessment and such property is assessed in accordance with the description furnished by such owner or his agent, the sufficiency of such description shall not be disputed by such owner in any action or suit for the collection of such taxes; but the same shall be binding upon such owner, and shall be sufficient for all purposes of such assessment.

Sec. 25. The provisions herein for the collection of taxes shall not be construed to prevent the city from filing suit in any court of competent jurisdiction for the collection of any taxes due on real estate, as well as personal

property, and for the enforcement of levies for such taxes; and the assessment rolls shall be prima facie evidence of the facts stated in said rolls and that all taxes assessed on such rolls have been regularly levied and assessed in accordance with the provisions of this charter and of the law; and no irregularity in the manner of levying or assessing taxes shall invalidate the same unless it appears from affirmative proof that such irregularity operated injuriously to the taxpayer attempting to avoid the payment of such tax. Nothing in this section shall prevent the Board of Commissioners from hearing all complaints as to erroneous and unjust assessments, and said Board of Commissioners is hereby empowered and it is hereby made their duty to hear such complaints, and said board shall have power within one year after this act goes into effect, and not thereafter to readjust, compromise and settle all disputes with reference to the legality of validity of taxes claimed to be due by any person or persons upon any real estate within the city. They may reduce former assessments on satisfactory proof that the same was excessive; such settlement when certified to by the Board of Commissioners to be filed with the Business Manager, who shall accept payment of taxes in accordance therewith and thereafter a tax receipt for the amount of said taxes in full for all such years as aforesaid shall be accepted in full satisfaction for said taxes.

## Article XV.

### Public Utilities.

Section 1. No street, alley, or public highway in the City of Collinsville shall ever be used by any person, firm or corporation for the construction or operation of a street railway, telegraph line, telephone system, or any other business of a public or quasi public nature, without obtaining authority therefor under a franchise granted by the Board of Commissioners, in accordance

with the provisions of this charter. It shall be the duty of the Board of Commissioners and the City Attorney to bring suit to enforce this provision against any person, firm or corporation violating the terms thereof, for the purpose of ejecting the offender from the occupancy of such property, and to recover damages for the illegal use thereof.

Sec. 2. The Board of Commissioners shall have power, by ordinance, to provide for and construct a general sewer and drainage system, to be divided into public and private sewers, and drains, and to be constructed, maintained and regulated in such manner and out of such material as the Board of Commissioners may prescribe. Sewers may be established as the Board of Commissioners may direct, and there may be extension of branches of sewers already constructed or entirely new throughout as may be deemed expedient. The Board of Commissioners may, if necessary, levy a tax on all taxable property in the entire city, to pay for the construction and repairs of such public sewers which shall be called a "special sewer tax," and shall be used solely for such purpose. No public sewer shall be run diagonally through private property when it is practicable, without injury to said sewer to construct it parallel with one of the exterior lines of such property. No public sewer shall be constructed through private property when it is practicable to construct it along or through a street or public highway.

Sec. 3. The Board of Commissioners shall have the power to appropriate private property for public purposes, whenever the Board of Commissioners of said city shall deem it necessary to take any private property either within or without the city limits for any of the following purposes, to-wit:

In order to open, extend, change or widen any public street, avenue or alley, or for the construction of water

mains or sewers, either within or without the city limits, or for the improvement and enlargement of its water works, including riparian rights, water sheds, reservoirs, etc., parks, squares, and pleasure grounds, or for the straightening or improving of the channel of any stream, branch or drain such property may be taken for such purposes by making just compensation to the owner thereof. If the amount of such compensation shall not be agreed upon, it shall be the duty of the Board of Commissioners to cause to be stated in writing the real estate or property sought to be taken, the name of the owners hereof, and his residence if known, and the purpose for which said property is sought to be taken, and file such statement with the judge of the district court of Rogers County. Upon the filing of such statement, it shall be the duty of such judge, in term time or vacation, to appoint three disinterested freeholders and qualified voters of the City of Collinsville as special commissioners to assess the damages to accrue to the owners by reason of such condemnation. The special commissioners so appointed, shall, in their proceedings, be governed and controlled by the State laws in force in reference to the condemnation or right of way for railroad companies, and the assessment of damages therefor, the City of Collinsville occupying the position of the railroad company. In estimating the damages to such property the jury shall not only estimate the value of the land so taken but shall also estimate the damage done to the remainder of any land from which it is taken by reason of such taking and use: Provided, however, that in case of the condemnation of land for the opening, extending or widening of any street, or for straightening or improving the channel of any stream, branch or drain within the corporate limits of said city, the Board of Commissioners may, by ordinance, provide that the cost of such property

shall be paid by the property owners owning property in the immediate vicinity thereof and benefited thereby. In such cases the City Engineer, or other person designated by the Board of Commissioners shall, under the direction of the special commissioners appointed, make a plat of the property which in the judgment of said special commissioners will be specifically benefited and enhanced in value by the making of such improvement, whereupon such special commissioners shall issue notice to the owners of such property to appear before them at a time and place to be designated in such notices to show cause, if any, they have, why such property should not be assessed to pay the cost of the property so condemned. Such notices may be served by any police officer in the City of Collinsville, or any other officer of the State of Oklahoma, County of Rogers, authorized by the laws of said State to serve process of the courts of said State; and in all cases where such owner or owners, or any of them, are absent from said city and county, upon the agent of such absent owner, if such owner shall have an agent in said city or county, and in case such absent owner shall not have such agent, or in case the owner of such property is unknown, then such notice shall be published for two days consecutively in some daily newspaper or once in a weekly newspaper, published in the City of Collinsville; such notice shall be given five full days before the final determination by the special commissioners of the amount of assessment against the owners of such property for such improvement; said special commissioners shall determine the value of the property desired to be taken, belonging to the different owners thereof, if there be more than one such owner, and if there be only one such owner, the value of the same, and shall also find how much of the cost thereof shall be assessed against the owner of each lot or

subdivision of the land in the immediate vicinity thereof specially benefited and enhanced in value by the making of such improvement, and shall report all said matters to the Board of Commissioners of the City of Collinsville, showing a description of the property taken and condemned and the name of the owner thereof, if known, and if the owner of any such property is unknown, shall state said fact, or if there be more than one owner of such property, then the description of the property of each said owner, if known, and if unknown, shall state such fact and the value of the property of each such owner so condemned, and also the description and name of the owner of each subdivision of property if known, and, if unknown, shall so state, describing such property so as to identify it against which special assessment should in the judgment of said board, be made to pay for such property condemned, such apportionment shall be made according to the benefits that will, in the judgment of said special commissioners, be received by or accrue to such lot or subdivision of property by reason of the making of such improvements, and such report shall be filed with the Business Manager for the consideration of the Board of Commissioners. The Board of Commissioners shall, as soon as practicable after the filing of such report, consider the same, and if the same is approved by a majority vote of the members present at the meeting at which it considers the same, the same shall be final and binding upon the city and all parties at interest therein. If the Board of Commissioners shall approve said report, it shall levy a special tax against the property shown by said report to be benefited and enhanced in value by such improvement, according to the recommendation made in such report; such taxes shall be a lien on the property against which the same shall be assessed, from the date of such levy, and shall become due and delinquent at the

times provided in the ordinance levying the same. If the same shall not be paid as provided in such ordinance, the Board of Commissioners shall proceed to collect same, as provided in the ordinance, levying same by the advertisement and sale as provided in the city charter in cases of the sale of such property for delinquent ad valorem taxes: Provided, that it shall not be necessary to make such sales at the same time as provided for in the sale of property for delinquent ad valorem taxes. The special commissioners appointed under the provisions of this section shall have the same power to issue writs and subpoenas and compel the attendance of witnesses, etc., as commissioners appointed for the condemnation of land, etc., for the right of way of railroads under the general laws of the State of Oklahoma; shall receive the same compensation for their services and shall be governed in all respects not herein otherwise provided by general laws in all matters relating to their procedure. The compensation for the land and property taken or damaged under the provisions of this section shall be paid to the owner of such property so taken or damaged, or secured by a deposit set apart in money in the hands of the City Treasurer, subject to the order of such owner, before such property is taken or damaged: Provided, the city may make such payment out of the general fund, if the Board of Commissioners shall deem it advisable, and when the amounts assessed against the property specially benefited as is herein provided are collected, may repay to the said general fund the amount so advanced, and such payment shall not be a waiver of the city's rights to make such collection.

Sec. 4. The Board of Commissioners shall have power to cause telegraph, telephone and electric light companies to change the location of their poles; also to cause all erected poles not in use to be taken down and removed. If such

companies shall fail to do such things after being notified the city may have the same done at the expense of such companies. The Board of Commissioners shall also have the power to require telegraph, telephone companies and electric light companies to run their wires under the ground, if, in the wisdom of the board, public interest should so demand.

Sec. 5. Any person, firm or corporation holding any franchise heretofore or hereafter granted by the city, authorizing the use or occupation for any purpose of any street, avenue or alley in the city, or any portion thereof, and requiring or binding the person, firm or corporation holding such franchise to keep any portion of such street, avenue or alley so used or occupied, or the pavement thereof in repair, or to maintain the same in condition for public travel; or any person, firm or corporation who, under any contract heretofore or hereafter made with the city for the construction, reconstruction or repair of the pavement or other improvement of any avenue, street, or alley, or any portion thereof, shall be or is bound to keep the same in repair or in good condition for public travel, or to do or to perform any duty relating to the maintenance or repair of such pavement or other improvement, for any term of years mentioned in such contract, who shall be served with a written notice signed by any owner or owners of property abutting such street, avenue or alley, or such portion thereof, such notice to be served by delivering in person or by mailing same by registered mail to such person, firm or corporation, or any officer or agent thereof, at the post-office address of his residence, and who shall fail or refuse to repair or place in condition for travel according to the terms or requirements of such franchise or contract, the portion of such avenue, street or alley mentioned in such notice which such person, firm or corporation is bound to repair or maintain, within

ninety days after date of the service of such notice, shall forfeit to the city the sum of fifty dollars for each day after the expiration of said ninety days until said avenue, street or alley or portion thereof mentioned in said notice, and which such person, firm or corporation is bound to repair or maintain, is repaired and put in good condition for public travel, as required by the terms of such franchise or contract, or until the requirements and terms of such contract are complied with, such sum or sums to be recoverable at the suit of the city or at the suit of any owner of property abutting on said avenue, street or alley, or portion thereof, to the use of the city, in any court of competent jurisdiction. The penalty herein provided shall be in addition to and cumulative of any other penalty, condition or requirement contained in such franchise or contract. In any suit brought under this section any judgment therein recovered may be made a lien upon any sum held by or deposited with the city, or in trust, to guarantee or secure the performance of the conditions of any such franchise or contract.

Sec. 6. Whenever any franchise to any person, firm or corporation has heretofore been made, or shall hereafter be made or granted by the Board of Commissioners for the use of any street of the city for the purpose or for the exercise of any public privilege or advantage, and the said grant has been or shall hereafter be made upon any conditions named in said grant or things to be performed by the said grantee, and such grant shall contain no condition of forfeiture, yet the breach of any condition so named in any such grant, or any failure on the part of said grantee to promptly pay any tax whatever assessed by the city, shall be or cause a forfeiture of the said franchise or privilege so granted, as if expressly stipulated for therein, and whenever any such grant has been or shall hereafter be made in consideration of the pay-

ment of any bonus, the said payment shall be secured by a prior lien on all property of said grantee, within the city, whether expressly stipulated for or not, and any failure to properly pay such bonus according to the terms of the grant, or any failure to pay any tax of any kind, shall be a cause of forfeiture of the franchise or privilege granted, whether such forfeiture be expressly provided for or not.

#### Article XVI.

##### Street and Sidewalk Improvements.

Section 1. When the Board of Commissioners shall deem it necessary to grade, pave, macadamize, gutter, drain or otherwise improve any street, avenue or alley or any part thereof, within the limits of the city for which a special tax is to be levied, as herein provided, said board shall, by resolution, declare such work or improvement necessary to be done, which resolution shall be adopted by a majority vote of the board, and the passage of such resolution shall be conclusive of the public necessity therefor, and the benefit thereof, and no notice of such action by the board shall be requisite to its validity. Such resolution shall, in general terms, set forth the nature and extent of the improvement or improvements to be made, the section or sections of any public street, avenue or alley to be improved, the material or materials with which the improvements are to be constructed and the method or methods under which the costs of such improvements are to be paid. Such resolution may specify that such improvements may, at the election of the board be constructed from different material and may specify different or alternative methods of making such improvements, and providing for the payment of the costs thereof. Upon the passage of such resolution it shall be the duty of the City Engineer or other person designated by the Board of Commissioners to forthwith prepare specifications for such improvement, which specifications



shall embrace the different materials or different plans or methods, under which said improvements or part thereof are to be constructed or paid for, if such different materials or alternative plans or methods of construction or payment are specified in such resolution; and such specifications shall also describe the character of bond or bonds required of the successful bidder for the construction of such improvement and the maintenance thereafter, as herein provided. When such specifications have been prepared they shall be submitted to the Board of Commissioners for its approval. The board shall have power to require of the contractor or contractors to whom the work may be let, a bond for the faithful performance of the contract and the maintenance of the work in good condition at the cost of the contractor for a term not less than five years from the completion thereof, and for the maintenance thereof by the contractor. The bonds required by the Board of Commissioners to be executed by the contractor shall be executed by such contractors to whom the work may be let together with one corporate surety acceptable to said board which shall be a surety company authorized to do business within the State of Oklahoma.

Sec. 2. The Board of Commissioners shall have power to cause sidewalks, curbs and gutters to be constructed, reconstructed or repaired under and by virtue of the terms of this article and the various subdivisions thereof, either separate or together with other improvements: Provided, that the cost of constructing, reconstructing or repairing sidewalks shall be borne entirely by the owners of property abutting upon said sidewalks; and , provided further, that the right of the board to order the construction, reconstruction or repairing of such sidewalks, curbs and gutters shall be exclusive of, and in addition to the powers in this charter conferred upon the Board of Commissioners to order such improvements.

Sec. 3. The Board of Commissioners is hereby empowered to establish and change the grade of all streets, avenues, alleys, or other public places in the city, or part or section thereof, whenever in their judgment, the public convenience may require such change of grade: Provided, that no material change of the permanent established grade shall be made without making due compensation to the owners of abutting property having permanent improvements erected thereon, with reference to the previous legally established grade, and the Board of Commissioners shall prescribe, by ordinance, the method of ascertaining the compensation due to any such property owner whose property is affected by such material change of street grade, and the city shall pay to such owner such compensation so ascertained.

Sec. 4. The costs of grading, paving, curbing and guttering any street, avenue or alley may be paid in part by the city or in part by the owners of property benefited by such improvement and abutting upon the property, street or alley or portion thereof ordered to be improved, and any resolution or ordinance passed and adopted by the Board of Commissioners declaring the necessity for such construction shall provide what proportionate part, if any, of the costs of such improvement shall be paid by the city, and the proportion of the costs that shall be borne by the owners of property abutting on such street, or alley or part of street or alley so ordered to be made: Provided, that when any person, firm or corporation owns any railroad or street railroad or railroad switch of any kind on such street or alley or portion thereof ordered to be improved, such person, firm or corporation shall pay the whole costs of such improvement between the rails and tracks, and for two feet on each side of the rails of such railroad or street railroad, and the city and abutting property owners shall be relieved of the



part of the costs to be paid by such road. The prorata share of the cost of such improvement payable under the terms hereof by any railroad or street railroad or the owners thereof, together with all costs of collecting the same, shall be a special tax against, and secured by a lien upon the roadbed, ties, rails, fixtures, rights and franchises of such railroad or street railroad and the owners thereof, and whenever a contract shall be let for any such improvement the Board of Commissioners shall levy a special tax upon the railroad, ties, rails, fixtures, rights and franchises of such railroad or street railroad, for the pro rata share due from such road, for improvement between their tracks and rails and two feet on each side thereof. Said tax shall be levied at or after the time such contract is let or executed and shall become due and delinquent as the ordinance levying the same may specify, and shall be a lien from the time of levying and the proceeds thereof shall be used for the payment of the costs of such improvement. If said taxes be not paid as provided for by ordinance, then collection shall be enforced as the collection of other taxes by advertisement and sale of the property, rights and franchises levied upon: Provided, it shall not be necessary to sell at the same time as for delinquent ad valorem taxes. At any such sale the City Tax Collector or such other officer as shall be designated by the board shall execute to the purchaser a deed similar to the one executed when the property is sold for ad valorem taxes. Such assessment and lien may also be enforced by suit brought in any court having jurisdiction thereof. The lien provided for shall be a first and prior lien paramount to all encumbrances except taxes, upon the roadbed, ties, rails, fixtures, rights and franchises of the person, firm or corporation or company owning the railroad or street railroad aforesaid.

Provided, further, that when any

street, avenue or alley is ordered graded, paved, curbed or guttered as herein provided any person, firm or corporation having right of way or operating a railroad intersecting or crossing such street, avenue or alley so ordered improved, shall bear the entire expense of grading, paving, curbing and guttering and laying sidewalks over and across their tracks and right of way for the full width of such right of way.

Sec. 5. When specifications have been adopted by the Board of Commissioners for contemplated improvements, provided for by the city charter, it shall be the duty of the Business Manager to at once advertise for sealed bids for the construction of such improvements, in accordance with the specifications adopted therefor. Such advertisement shall be inserted not less than two consecutive times in a newspaper of general circulation in the City of Collinsville and shall state the time within which bids may be received as prescribed by the board, which shall be not less than ten days nor more than thirty days from the first insertion of said advertisement. Bids shall be filed with the Business Manager or such other officer as the board shall designate and shall be opened and read in public meeting of the Board of Commissioners. The board shall have the right to accept such bids as it shall deem most advantageous to the city and the owners of the property abutting on the public street or alley named, to be improved, or may reject any and all bids; and where any improvement is ordered on different specifications, and for the construction of work or part thereof, with different material, and under different plans or methods of construction, or payment for such improvements, the board shall have full power after opening bids, to select such methods, plans or materials for making such improvements or any part thereof, as it may deem best and to let the work to such bidder and upon such bid as it may select, subject to the

terms thereof. No bid shall be amended, revised or changed after being filed. All bids shall be accompanied by a certified check for five per cent. of the amount of such bid as a forfeit, in case of failure of the bidder or bidders, if successful in securing the work did for, to enter into a contract and bond as required by this charter, for the performance of such work. When bids for such improvements have been accepted by the board the city shall enter into contract with the contractor or contractors, to whom the work has been let, for the performance thereof, which contract shall be executed in the name of the chairman of the Board of Commissioners of the city, and attested by one member of the Board of Commissioners, with the corporate seal. The contractor or contractors to whom such work has been let, shall execute bond or bonds as may be required by the Board of Commissioners and as herein provided. Said bonds or bonds to be approved by the board is satisfactory.

Sec. 6. After excluding the costs of making any improvements between and two feet on each side of the track and rails of railroad or street railroads, and the entire cost of any improvements crossing the right of way of any railroad, which costs are to be assessed against, and wholly paid by the owners of such railroads, as herein provided, and subject to the terms hereof, the City of Collinsville acting by its Board of Commissioners, shall have power to assess the whole costs of construction, reconstruction and repairing any sidewalks, curbing, guttering and paving any street, avenue or alley, or making any other improvements ordered under the terms hereof, against the owners of property abutting upon the street, avenue or alley or part or section thereof upon which such improvements are to be constructed, and who are specially benefited thereby, and shall have the power to fix a lien against such property to secure the payment of the portion of

such costs assessed against the owners of such property and in apportioning the costs of such improvement against abutting property owner, each quarter block shall be charged with its due proportion of paving, both the front and side streets on such block, and the alley or alleys therein, together with the area formed by street intersection and alley crossing, which cost shall be apportioned among the lots or subdivisions of such quarter blocks, according to the benefit to each lot or parcel. If any portion of the abutting property shall not be platted into lots or blocks the Board of Commissioners shall include such ground in proper quarter block districts, for the purpose of appraisal and assessment as herein provided. Provided that in no event shall such costs be assessed against such owners or their property, or liability therefor, finally determined, until after the hearing herein provided for and after the adjustment of equities between such owners; and provided, further, that the costs assessed against any property shall be in proportion to the frontage of the property of each owner to the whole frontage of property in such quarter block so ordered to be improved. Provided, that if the application of this rule would, in the opinion of the board, in particular cases, be unjust or unequal it shall be the duty of the board to assess and apportion said costs in such proportion as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, and the equities of such owners and the adjustment of such apportionment; so as to produce a substantial equality of benefits received by, and burdens imposed upon each owner. The board shall also have power to provide that the proportion of the said costs which may be assessed against the said owners and their property shall bear interest at a definite rate, not to exceed seven per cent. per annum, when the payment thereof is deferred, and shall have the

power to include in any assessment which may be made against such owners and their property, reasonable costs of collection, where such costs are incurred, and reasonable attorney's fees, where attorney's fees are incurred.

Sec. 7. The contract or contracts for such improvements and the bond or bonds having been executed and approved by the board it shall be the duty of the City Engineer, or other person designated by the Board of Commissioners to at once prepare a written statement which shall contain the names of such persons, firms or corporations or estates that may own property abutting upon the section or sections of the street, avenue or alleys named, to be improved, the number of front feet owned by each, and describing the property owned by each by block or lot, number or otherwise, so describing such property as to identify the same; and, such statement shall also contain an estimate of the total costs of such improvement, the proportion and amount of such costs to be assessed against abutting property the amount per front foot to be assessed against abutting property, and the total estimated amount of be assessed against each owner. Such statement shall be submitted to the board which shall examine the same and correct any errors which may appear therein; but no error, omission or mistake in such statement shall in any manner invalidate any assessment made, or lien or claim fixed thereunder. When such statement has been examined and approved by the board and it shall have determined to assess the costs of such improvements against such property, it shall so declare by resolution, directing notices thereof to be given to the owners aforesaid by publication for five consecutive days in a daily newspaper or twice in any other paper of general circulation in the City of Collinsville, and also to mail to such owners a copy of such notice by registered letter deposited in the postoffice

in the City of Collinsville, directed to the address of such owner, if known, or if such address be not known then to the agent or attorney of such person, if known, provided that the registered letter aforesaid shall be deposited in such postoffice in the City of Collinsville within ten days prior to the date set for the hearing hereinafter provided for; and provided further, that the method herein prescribed for service of notice by registered letter shall be merely cumulative of the service of notice by publication above mentioned; and provided, that in all cases where personal service by registered letter shall not be obtained, said service by publication shall, nevertheless be deemed valid and binding. The certificate of the Business Manager or such other officer as shall be designated by the board to the effect that the address of such owner or owners or their agent or attorney is unknown to him, and personal service cannot be had upon them, shall be deemed conclusive of such fact. The notice aforesaid shall state the time of the hearing hereinafter provided for, the general character of the improvements determined upon by the board, the street or part thereof to be improved and the proportionate part and amount per front foot of the total cost of the proposed improvement, which it is contemplated shall be assessed against the property and the owners thereof abutting upon such street or alley to be improved. On the date, stated in the notice aforesaid or any time thereafter, before any special assessment is actually levied, any person, firm or corporation, interested in any property which is claimed to be subject to assessment for the purpose of paying the cost of any improvement, in whole or in part, shall be entitled to a full and fair hearing before said board as to all matters affecting such property, or the benefit thereto, of such improvements or any claim of liability or objection to the making of such improve-

ments of any invalidity or irregularity in any of the proceedings in reference to making such improvements or any other objection thereto. Such person, firm or corporation shall file their objections in writing and thereafter the Board of Commissioners shall hear and determine the same, and full opportunity shall be given to the persons, firms or corporations filing such objections to produce evidence, subpoena witnesses and to appear in person or by attorney and a full and fair hearing thereof shall be given by the said board, which hearing may be adjourned from time to time, without further notice and the Board of Commissioners shall have full power to inquire into and determine the facts necessary to the adjudication of such objects and the ascertainment of special benefits to which such owners by means of such improvements and shall make such order in each case as may be just and proper. Any objections to the regularity of proceedings with reference to the making of such improvements as herein provided or to the validity of any assessment against said property or the owners thereof, shall be deemed waived, unless presented at the time and in the manner herein specified. The time as set for such hearing shall be not less than ten days from the time of the first publication of such notice. When the hearing above mentioned has been concluded the board shall, by ordinance, assess against the several owners of property, and against their property abutting upon the public street or alley or part thereof ordered to be improved, such proportionate part of the costs of said improvement as by such board may have been adjudged against such respective owners and their property. Said ordinance shall fix a lien upon such property for the respective amount to be assessed, and shall state the time and manner of payment of such assessment, and said board may order that the said assessment shall be payable in installments, and pre-

scribe the amount, time and manner of payment of such installment, which however, except as hereinafter provided, shall not exceed ten years, and the payments shall not be deferred beyond ten years from the completion of said improvement, and its acceptance by the city. The said ordinance shall also prescribe the rate of interest to be charged upon deferred payments, not exceeding seven per cent. per annum and may provide for the maturity of all deferred payments, and their collection, upon default in the payment of any installment of principal or interest. Each property owner, his heirs, assigns or successors, however, shall have the privilege of discharging the whole amount assessed against him or any installment thereof, at any time before maturity, upon payment thereof with accrued interest. Upon the payment by any property owner of his assessment in full, the city shall cause to be executed by its Business Manager and duly acknowledged for record a release of the lien of such assessment.

Sec. 8. When the board shall have reason to believe that the owner or owners of any property may successfully claim the same as exempt from special assessment, it may order that the improvement shall not be made in front of, or abutting on such property, unless the owner or owners shall first make a satisfactory provision for the payment of the amount of the cost which would be assessed against such property, except for such exemption, and such contractor shall not be obliged to make such improvement in front of any property which is exempt from the enforcement of a lien for such improvement, but may omit the construction thereof in front of such property. Subject to the provisions hereof the board may, when deemed just and proper, order improvement to be made on only one side of the public street or alley or section or portion thereof, and may assess the cost of, or a portion thereof,

against the property and the owner of such property abutting on such side of such street or alley or section or portion thereof.

Sec. 9. Whenever any error or mistake shall occur in any proceedings, provided for in this charter, it shall be the duty of the board to correct the same, and whenever it shall have been finally determined in any suit that any assessment against any property or its owner or lien against such property fixed or attempted to be fixed under the terms hereof, is, for any reason, invalid, unlawful, or not enforceable, then it shall be the duty of the board to at once proceed to reassess against such property such proportion of the costs of making such improvements as shall be proper, lawful and just and fix a lien against such property; and such board shall have power, and it shall be its duty, by ordinance or resolution, to adopt such rules and regulations, and to make such orders as shall, in compliance with the law, provide for correcting such mistakes and making a valid reassessment against such property and fix a valid lien thereon; said board shall have power and it shall be its duty to adopt such rules and regulations for a hearing to the owners of such property before such reassessment which may be necessary or proper, in order to legally bind such owners and their property, by such reassessment; and shall have power to adopt all other rules and regulations which may be requisite to a valid reassessment of such property. Subject to the provisions of this charter the cost of any such improvement or improvements, after deducting the proportion of such costs as may be assessed against any railroad or street railroad, and the proportion of said costs which may have been finally assessed against property abutting upon the street or alley or section or portion thereof, ordered to be improved and against the owners of

such property, shall be borne and paid by the city.

Sec. 10. In addition to the power hereby conferred upon the board, by majority vote, to order the construction of any street improvement or improvements as herein defined, and to assess the costs thereof in whole or in part against the abutting property; whenever the owners of two-thirds of the front feet of property abutting upon any street, avenue or alley, or section or part thereof, shall in writing petition for the improvement thereof, and shall in such petition agree to pay three-fourths of the cost of such improvements in front of their respective property and of improving intersections of streets and alleys, exclusive of such cost as is payable under the terms hereof, by railroads or street railroads, shall generally designate the nature of the proposed improvements, and the said board shall order the construction of such improvements; provided, only, that before a resolution ordering the said improvement shall be passed by the board it shall be satisfied from the said petition or other evidence as shall be submitted to it, that, exclusive of the costs of said railroad or street railroad at least three-fourths of the whole cost of said improvement can be secured by a valid assessment against property abutting upon the street, or alley, or section, or part thereof, to be improved, or will otherwise be satisfactorily secured. If such petition shall specify any particular kind of material or pavement desired, then the work shall be ordered constructed with that material or pavement only, and bids taken accordingly; provided, that in such case the petition may stipulate the maximum cost per front foot, cubic or square yard at which the work shall be let, and no contract shall be let at a greater cost than is, thus stipulated. Where improvements are ordered to be made upon such petition as provided for in this section the method of proceeding

in reference thereto, and with reference to assessing the cost thereof against abutting property shall subject to the provisions of this section, be in accordance with the terms and provisions of this article. Where improvements are to be made upon such petition as is provided for in this section the work shall not actually be begun until three-fourths of the cost of said improvement, exclusive of the part of the costs to be paid by any railroad or street railroad, shall have been assessed against the property abutting upon the public street, avenue or alley, or section or part thereof, to be improved, in the manner hereinbefore provided in this section; provided, however, that no assessment shall be made, except after the hearing hereinbefore provided, and the costs of such improvement shall be apportioned between the various abutting property owners according to the frontage of their property upon such street, avenue or alley, or section or part thereof, to be improved; provided, that whenever, after such assessment the board shall be of the opinion that an assessment against any property and the lien thereby fixed can not be enforced on account of exemption of such property, the board may direct that such improvement shall not be made in front of such property, or may require the owner of such property to pay or secure the payment of the pro rata amount of such costs assessed against such property before such improvements shall be made in front of the same.

Sec. 11. When any of the public improvements provided for in this article are ordered to be made, the cost, or part thereof, which may be assessed against abutting property and against railroads and street railroads, as herein provided, and such cost so apportioned and assessed against the abutting property as provided for by this charter, and the lien as established and fixed by the Board of Commissioners in favor of the contractor as herein provided

for, such abutting property shall be held liable for the payment of such costs so assessed against it, and the city shall not be responsible or liable for any part of such costs so assessed and taxed against such abutting property, and shall not be liable for any part or portion of the costs of any street improvement, except when the city, through the board, shall have obligated itself to pay a part of such costs and provided in this charter; the lien provided for herein to be fixed by the board against the respective owners, and their property abutting upon any street, avenue or alley, or section or part thereof, may be evidenced by assignable certificates or tax bills against abutting property, railroad or street railroad, to be issued to the contractor by the City of Collinsville, and the board shall prescribe the form and terms of such certificate. The recital in such certificates that the proceedings with reference to making such improvements have been regularly had in compliance with the terms hereof, and that all prerequisites to the fixing of the lien and claim, evidenced by such certificate have been performed, shall be prima facie evidence of the facts so recited, and no other proof thereof shall be required, but in all courts the said proceedings and prerequisites shall, without further proof, be presumed to have been had or performed. Such certificates shall be executed by the Business Manager and attested by one member of the Board of Commissioners, or such other officer as shall be designated by the board with the corporate seal. The passage by the board of an ordinance finally assessing against any property the cost or part thereof, or in making and fixing a lien upon such property shall operate as notice of such assessment, and lien against all creditors of the owners of such property and the purchaser thereof and the lien thereby fixed, without further record or proceeding be effective against



all such creditors or persons.

Sec. 12. The city shall have power to borrow money on its credit and the Board of Commissioners may, by ordinance, authorize the issuance by the city of its negotiable coupon bonds for the purpose of paying the city's part of any such permanent street improvements as embraced in the terms of this article. Such bonds to be within the limits of indebtedness prescribed by the constitution and this charter. Such bonds shall bear interest at the rate of not more than five per cent. per annum, payable in semi-annual installments, and the principal thereof shall be payable in not more than twenty years from their date. Such bonds shall be authorized and executed in accordance with the terms of this charter with reference to the issuance of other bonds; provided, that no such bonds shall be issued unless the question of such issue shall first be submitted to a vote of the qualified tax-paying voters, and the same shall be approved at such election in accordance with the provisions of the constitution and of this charter, and the Board of Commissioners shall provide in any resolution or ordinance authorizing such bond issue, for the levying of an annual tax sufficient to meet the accrued interest, and provide a sinking fund for the payment and retirement of such bonds, and the bonds provided for in this article shall be sold by the city for not less than par. Such bonds shall not be sold by the city until registered and approved in accordance with the requirements for other bond issues by the city.

Sec. 13. All contracts heretofore entered into by the City of Collinsville, or which may hereafter be entered into by the city, and before the provisions of this charter become effective, and all ordinances made in relation to such contracts shall be given full force and effect under the laws and ordinances in force at the date of the mak-

ing of such contracts, and such improvements shall be carried forward and completed in accordance with such laws and ordinances, and that all costs of such improvements shall be assessed by the Board of Commissioners against the abutting property owners and other persons, firms, or corporations made liable for the payment of such costs under and in accordance with the provisions of the laws and ordinances then in force. The Board of Commissioners created and authorized by this charter are hereby authorized and directed, and it is hereby made their duty to do and perform or cause to be done or performed, all things which, by such existing laws and ordinances of such city, the city council of such city and the officers thereof acting thereunder are now authorized or permitted to do, in order to carry into effect the terms of such contract, and to assess the costs of improvements against such property, and to provide for the collection of such assessment, and to provide for the issuance of assignable certificates therefor and to do and perform any other act or thing which may be necessary under the said existing laws and ordinances of said city, to give effect to said contracts and to provide for the enforcement thereof. The fact that more than one parcel or lot of land, the property of the owner or jointly owned by two or more persons, firms or corporations having been assessed together in one assessment shall not invalidate the same, or the lien thereof. The costs of any such improvements assessed against any property, together with all costs and reasonable expenses in collecting the same, including reasonable attorney's fees when incurred, shall be secured by a lien upon such property superior to all other liens, claims or title, except city, county and state taxes, and such lien may be enforced either by suit in any court of competent jurisdiction or by sale in the same manner as far as applicable, as sales

are authorized to be made by the City of Collinsville for the non-payment of taxes; provided, that it shall not be necessary to sell at the same time as for delinquent ad valorem taxes, and the board may, by resolution, or ordinance, make such rules and regulations, not inconsistent with the charter, as it may deem necessary to provide for the speedy collection of such assessment for improvements. Any error or omission in selling property or designating the names of owners or any other error or omission may be corrected at any time by the board or at the suit of any interested party. In any suit brought under the provisions of this section it shall be proper to join as defendants two or more property owners who are interested in any single improvement or any single contract for such improvement.

Sec. 14. At any time within ten days after hearing, as provided herein, any person or persons, corporation or corporations, having an interest in any real estate which may be subject to assessment under this charter, or otherwise, having any financial interest in such improvement or improvements, or in the manner in which the cost thereof is to be paid, who may desire to contest on any ground the validity of any proceeding that may have been had with reference to the making of such improvements, or the validity in whole or in part, of any assessment lien fixed by said proceedings, may institute suit for that purpose in any court of competent jurisdiction. Any person or persons, corporation or corporations, who shall fail to institute such suit within a period of ten days, or who shall fail to diligently prosecute such suit in good faith to final judgment, shall be forever barred from making any such contest or contests, and this estoppel shall bind their heirs, successors, administrators and assigns. The City of Collinsville, or the person or persons to whom the contract has been

awarded shall be made defendants in such suit, and any other proper parties may be joined therein: There shall be attached to plaintiff's petition an affidavit of the truth of the matter therein alleged, except such matters as are alleged on information and belief, and that such suit is brought in good faith, and not to injure or delay the city or contractor, or any owner of real estate abutting on the improvement. Unless the provisions of this section are complied with by plaintiff or plaintiffs, such suit shall be dismissed on motion of any defendant, and in that event plaintiff or plaintiffs shall be barred and estopped to the same extent as if suit had not been brought. In any case where a suit is brought as provided for in this section then the performance of the work may be suspended at the election of either the city or the contractors until such suit shall be finally determined in the court of original jurisdiction or any appellate court to which the same may be taken by appeal or writ of error; provided, that any appeal or writ of error shall be perfected within thirty days from the adjournment of the terms of court or original jurisdiction at which final judgment was rendered in such suit, and provided, that no appeal or writ of error to review the judgment of such court, may thereafter be taken or sued out by either party.

Sec. 15. The Board of Commissioners shall have power in their discretion by resolution passed by majority vote to order the construction, reconstruction or repairing of sidewalks as herein provided along or upon an street, avenue, public place, alley, or square, or part or section thereof, within the city or in front of any property abutting upon the same. No notice of the passage of such resolution shall be necessary. Such resolution shall in general terms describe the sidewalks to be constructed, reconstructed or repaired, material of which it is to be constructed,

reconstructed or repaired, the street, avenue, alley, square or place or part of section thereof along which said sidewalk is to be constructed, reconstructed or repaired. Upon the passage of such resolution it shall be the duty of the City Engineer or other person designated by the Board of Commissioners, to forthwith prepare and present to the said board plans for the said sidewalks, or repairs for same, detailing the nature of construction, reconstruction or repair thereof, and the material or materials of which the same are to be constructed, reconstructed or repaired. If satisfactory the board shall approve the said plans and the same shall remain on file in the office of the City Engineer, or other officer designated by the board. Upon the approval of the said plans of the City Engineer, or other person designated, shall at once prepare and file with the board a statement containing the name or names of the owner or owners of property abutting upon the street, avenue, alley, public place or square, or part of section thereof, where sidewalks are ordered to be constructed, reconstructed, or repaired, and a brief description of the property of each owner, which may be by lot or block number or any other description which shall be sufficient to identify the same, together with an estimate of the cost of such sidewalks or the repair of same in front of the property of each owner, exclusive of the cost of grading and excavating. Upon the filing of such statement it shall be the duty of the Business Manager or such other officer as shall be designated by the board, to publish in a daily or weekly newspaper of general circulation within the City of Collinsville, a notice to the owner or owners of the property in front of which the sidewalk or sidewalks are to be constructed, reconstructed, or repaired, which notice shall briefly recite the fact that sidewalks have been ordered constructed, reconstructed, or repaired by the

board, and stating, the street, avenue, alley, public place or square, or section, or part thereof, along which the same are ordered to be constructed, reconstructed or repaired, and that plans and specifications for such work have been adopted by the board and are on file in the office of the City Engineer or other officer designated and notifying the owners of property abutting upon such proposed sidewalk or sidewalks to construct, reconstruct or repair some, in accordance with such resolution and specification, within thirty days of the publication of such notice. The board shall have power to adopt rules and regulations for giving additional notice to the owner or owners of such property in such manner as may by such board be prescribed, or for personal notice upon property owner, but any such notice shall be in addition to and cumulative to the advertisement provided for, and service of notice by such advertisement shall be deemed sufficient without further or additional notice. The owner or owners of property, abutting upon the street, avenue, alley, public place or square, or part or section thereof, along which sidewalks are ordered to be constructed, reconstructed, or repaired shall, within thirty days from the publication of such notice, construct, reconstruct or repair the said sidewalk or sidewalks in accordance with the specifications at his or their own cost and expense, except the cost of excavating or grading, which shall be borne by the city. If the owner or owners of any property in front of which sidewalks are ordered to be constructed, reconstructed or repaired under the terms hereof shall not within thirty days of the publication of such notice so construct, reconstruct or repair such sidewalk or sidewalks the board shall have power, by resolution, and it shall be their duty to order the construction, reconstruction or repairing by the city and cause the same to be constructed.

reconstructed or repaired, either by the city, or to let the work by contract under such rules and regulations as may be adopted by the board and with or without competitive bidding at the discretion of the board. Whenever the city shall have constructed, reconstructed or repaired or caused to be constructed, reconstructed or repaired, any sidewalk as herein provided, the board shall have power to assess the whole costs thereof, except the cost of excavating and grading, which shall be borne by the city, against the property abutting upon the street, avenue, alley, public place or square upon which such sidewalks shall have been constructed, reconstructed or repaired, and the owner or owners thereof, provided that no assessment shall be made against any property or its owner or owners unless the said property shall be specially benefited by the construction, reconstruction or repair of such sidewalk, nor for any sum in excess of the special benefit which shall accrue to said property and its owner or owners from the construction, reconstruction or repair to the said sidewalk. When such sidewalk is ordered to be constructed, reconstructed or repaired in front of the property of one owner subject to the terms hereof the cost of such sidewalk shall be assessed against the property and the owner thereof. Where sidewalks are ordered to be constructed, reconstructed or repaired in front of the property of more than one owner or in front of more than one lot along any street, avenue, public place, alley or square, or part or portion thereof, the costs of construction, reconstruction or repair of the said sidewalk in front of the property of each owner shall be assessed against such owner and his property separate and a separate liability against such owner declared. No assessment for the costs of such sidewalks shall be made against any property or its owner until the board shall have first declared, by resolution, di-

recting notice thereof to be given to the owner or owners of such property. Such notice shall be given by advertising the same in a newspaper of general circulation in the City of Collinsville, three consecutive days, or once in a weekly newspaper, and also by mailing to said owner or owners a copy of such notice by registered letter deposited in the postoffice in the City of Collinsville directed to the address of such owner, if known, or if the address be not known, then to the agent or attorney of such owner or owners, if known; provided, that the letters aforesaid shall be deposited in the postoffice not less than five days prior to the date stated for the hearing hereinafter mentioned, and, provided, further, that the method herein prescribed for service of notice by registered letter shall be merely cumulative of notice of publication above mentioned; provided, that in all cases where personal service of notice shall not be obtained the notice by publication shall be valid and binding. The notice aforesaid shall state the time of the hearing hereinafter mentioned, and the general character of the sidewalk ordered to be constructed or repaired, the street, avenue, public place, alley or square, or part or section thereof along which the same has been constructed, reconstructed, or repaired, and that the costs of the said work is proposed to be assessed against the owner or owners of property abutting thereon, and the date for the hearing. Said hearing shall not be less than one week from the time of the first publication of such notice. On the date set in the notice aforesaid and at any time thereafter before an assessment is actually levied, any person or corporation interested in any property which may be claimed to be subject to assessment for the purpose of paying the costs of such sidewalk shall be entitled to a full and fair hearing before such board as to all improvements affecting such property, or the benefit thereof of such construc-

tion, reconstruction, or repairing of such sidewalk, or as to any liability therefor, or as to any irregularity or invalidity of the proceedings in regard to the construction, reconstruction, or repair of such sidewalks, or any other objection thereto. Such objection shall be filed in writing, stating the nature thereof, and full opportunity shall be given to the person or corporation filing the same to produce evidence, subpoena witnesses and to appear in person or by attorney, and a full and fair hearing thereof shall be given by the board, which hearing may be adjourned from time to time without further notice. The board shall have power to inquire into and determine all facts necessary to the adjudication of the said objection and the ascertainment of such special benefits to the owners by reason of the construction, reconstruction, or repairing of such sidewalks, and shall make such order in each case as may be just and proper. Any objection to the regularity of the proceedings with reference to the construction, reconstruction, or repairing of such sidewalks or to the validity of any assessment or the determining of liability against such property or its owner shall be deemed waived, unless presented at the time and in the manner herein specified. When the hearing above mentioned has been concluded the board shall, by ordinance, assess against the owner or owners of the property and against their property abutting upon the sidewalk so constructed, reconstructed, or repaired the cost of constructing, reconstructing, or repairing such sidewalks in front of, or along the property of each owner, and declare a personal liability against such owner or owners thereof. If it shall have been determined by the board upon such hearing that such owner or owners and their property have been benefited in enhanced value of such property in any amount at least equal to such cost; but, if in any case it shall have been de-

termined upon such hearing that the property of any owner is not benefited in enhanced value by such construction, reconstruction, or repair of such sidewalk, then no assessment shall be made against the property of such owner; but if after such hearing it shall be determined by such board that such property has been benefited in enhanced value in any amount less than the cost of the construction, reconstruction, or repairing thereof, then the board shall assess against the said owner and his property only such amount as shall equal the benefit received by such owner and his property. The ordinance making the said assessment shall fix a lien upon the property of each owner or owners and declare the owner or owners thereof to be personally liable for the respective amounts which may be against them assessed, and shall state the time at which the said assessment shall be paid, which shall not be longer than sixty days from the date of making the same. Such assessment shall bear interest from the date of making the same until paid at a rate not to exceed eight per cent per annum. The amount assessed under the terms hereof against any property or the property owner thereof shall be secured by a lien upon such property and shall constitute a personal liability against the owner or owners thereof in favor of the City of Collinsville and the said liability and lien may be enforced either by suit in any court of competent jurisdiction or by sale of such property of such owner or owners in the manner provided in this charter for the sale of property for other taxes. Such assessment shall include all costs and expenses, of collection of same where such costs are incurred, including reasonable attorney's fees, where such attorney's fees are incurred. In all cases where sale of any property shall be made for any payment of any assessment, in the manner provided for the sale of property for payment of

other taxes, such sale shall be made by the Business Manager, or such other officer as may be designated by the Board of Commissioners, a deed executed by the said Business Manager, or other officer as shall be designated by the Board of Commissioners, and to recite in the deed of such Business Manager, or other officer as shall be designated by the board all legal prerequisites to such sale have been complied with, shall be prima facie evidence of the truth of the facts so recited, which facts shall in all courts of law and equity be presumed to be true without further evidence thereof.

## Article XVII.

### Schools.

Section 1. The City of Collinsville, with the territory thereto attached or which may hereafter be attached for school purposes, shall constitute a separate school district.

Sec. 2. The Board of Education of the City of Collinsville, shall consist of three (3) members, who shall be nominated and elected at large by the qualified electors of said school district. The nomination and election of members of said school board shall be in the same manner as provided in this charter for the nomination and election of the Board of Commissioners. The term of office of each of said members shall be three (3) years, excepting those elected at the first election held under this charter, who shall hold their office as hereinafter provided. Any member of the said board of education elected under the provisions of this charter shall take his office on the first Monday in May following his election, except as hereinafter provided. All members of said board elected at the first election held under the provisions of this charter shall take their office at the same time that the members of the Board of Commissioners elected at the same election shall take their office. At the first election held under this charter there shall be elected for said

Board of Education one member who shall hold his office until the First Monday in May, 1915; one member who shall hold his office until the first Monday in May, 1916; one member who shall hold his office until the first Monday in May, 1917, or until their successors are elected and qualified.

Sec. 3. The Board of Education at its first meeting after the first election held under the provisions of this charter, and at their first meeting after each election held thereafter, whether the election be an annual election or for the purpose of filling a vacancy, shall organize by the election of a President and a Vice-President and a Clerk from among its own members.

Sec. 4. For the school district of the City of Collinsville there shall be elected a Treasurer, whose term shall be three (3) years, except as hereinafter provided. The first Treasurer elected under this charter shall take his office at the same time as the members of the Board of Commissioners of the City of Collinsville, and shall hold his office until the first Monday in May, 1917, or until his successor is elected and qualified. Each Treasurer, excepting the first and those elected to fill unexpired terms, shall take their office on the first Monday in May after their election, and shall hold their office for three (3) years therefrom, and until their successors is elected and qualified, unless sooner removed as hereinafter provided.

Sec. 5. Each member of the Board of Education and the Treasurer shall qualify before entering upon the discharge of the duties of his office by taking the oath of office as required by law. Each member of the Board of Education and the Treasurer may be recalled in the same manner as provided in this charter for the recall of the commissioners.

Sec. 6. The electors residing in the territory attached to the city for school purposes, lying north of Broadway



street, extended east and west, shall vote at the polls most convenient to them in any precinct lying wholly or in part north of Broadway street. The electors residing in the territory attached to the city for school purposes, lying south of Broadway street, extended east and west shall vote at the polls most convenient to them in any precinct lying wholly or in part south of Broadway street.

### Article XVIII.

#### Miscellaneous Provisions.

Section 1. The City of Collinsville, acting through the Board of Commissioners, shall have power to do by day labor, under municipal direction, any work which may become advisable or necessary to be done.

Sec. 2. In all work done by or for the city, either by day work or by contract, eight hours shall constitute a day's work and no employe of the city on work for the city, or employe of any contractor or subcontractor of such work, shall be required to work longer than eight hours in any one calendar day; provided, that this section shall not apply to the fire or police department or to employes engaged in clerical work for the city; and, provided further, that this section shall not be construed to apply to any contract entered into by the city prior to the passage of this act; provided, that in case of emergency, an employe of city or contractor, may be required to work longer than eight hours, but when required so to work longer than eight hours such employe shall be paid for such overtime at the rate of one and one-half times the rate such employe is paid for his labor during the eight hours.

Sec. 3. The personal and real property of all persons owing any taxes to the City of Collinsville is hereby made liable for all tax owing by such person, whether the same be due upon personal or real property, or upon both.

Sec. 4. The Board of Commissioners shall have power to provide for taking

an enumeration of the inhabitants of the city. And it shall be the duty of the Board of Commissioners, by resolution to appoint a commissioner, who shall supervise such enumeration, whose compensation, together with all the expenses of such enumeration, shall be paid in such manner as the Board of Commissioners may provide.

Sec. 5. No property of any kind, church, school or otherwise in the City of Collinsville shall be exempt from any of the special taxes and assessments authorized by this charter for local improvements.

Sec. 6. The fiscal year of the City of Collinsville shall begin and end at 12:00 o'clock, midnight, on the last day of June in each year.

Sec. 7. All bonds, contracts or other instruments requiring the assent of the city shall be signed by the chairman of the Board of Commissioners, or the acting chairman, and attested by one other member of said board, and all legal processes against the city shall be served upon the chairman of the Board of Commissioners or acting chairman.

Sec. 8. In addition to the other modes of collection anywhere in this act provided, all taxes due the city may be collected by an action of debt, and liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls relating to such taxes shall be taken as prima facie evidence of the statements made therein, and the city shall have authority to become the purchaser at all sales of property for taxes due it, under judgment or otherwise. It shall be the duty of the Business Manager to attend such sales, to make such purchases if they be necessary, or to empower some other person to do so on behalf of the city.

Sec. 9. Before the City of Collinsville shall be liable for damages of any kind the person injured or some one in his behalf, shall give the Business Manager notice in writing of such injury within thirty days after the same has been re-

ceived, stating specifically in such notice when, where and how the injury occurred and the extent thereof. The City of Collinsville shall never be liable on account of any damage or injury to person or property arising from or occasioned by any defect in any public street, highway or grounds, or any public work of the city, unless the specific defect causing the damage or injury shall have been actually known to the Business Manager or City Engineer by personal inspection for a period of at least twenty-four hours prior to the occurrence of the injury or damage, unless the attention of the Business Manager or City Engineer shall have been called thereto by notice thereof in writing at least twenty-four hours prior to the occurrence of the injury or damage and proper diligence has not been used to rectify the defect after actually known or called to the attention of the Business Manager or City Engineer as aforesaid.

Sec. 10. It shall not be necessary in any action, suit or proceeding in which the City of Collinsville is a party, for any bond, undertaking or security to be executed in behalf of said city, but all such action, suits, appeals, or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be liable as if such obligation had been duly given and executed.

Sec. 11. The property, real and personal, belonging to said city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said city, in the hands of any person, be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall said city be liable to the assignee of any wages of any officer, agent or employe of said city, whether

earned or unearned, upon any claim or account whatsoever, and as to the city any such assignment shall be absolutely void.

Sec. 12. Whenever, in the opinion of the Business Manager, any building, fence, shed, awning or structure of any kind, or part thereof, is liable to fall down and injure persons or property, or whenever any barbed wire fence is now or shall be stretched along the street line, the Business Manager may order the owner or agent of same, or occupants of the premises, to take down and remove the same within such time as he may direct; and may punish by fine and imprisonment, or either, all persons failing so to do. The Business Manager shall have the additional power to remove the same at the expense of the city on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this charter, or by suit in any court of competent jurisdiction.

Sec. 13. The Board of Commissioners shall have full power to condemn all dangerous buildings, or obstructions of any kind, and may provide regulations therefor by ordinance.

Sec. 14. All writs, subpoenas, or other process issuing out of the city court, shall run in the name of the City of Collinsville, and may be executed and served by the Chief of Police or his deputies, or policemen of said city anywhere in Rogers or Tulsa County, Oklahoma.

Sec. 15. In all cases where, by any of the provisions of this act, or by ordinances in pursuance thereof, a person is required to obtain a license for any calling, occupation, business or vocation, and has, on complaint before the Police Court, been adjudged guilty of violating any rule, regulation or ordinance of the city in relation thereto, said court, in addition to the punishment to be im-

posed therefor, may suspend or revoke the license so granted.

Sec. 16. The term "officer" as used in this charter, shall apply only to those officers who are elected by the people, or are appointed or confirmed by the Board of Commissioners, and the same does not include policemen, except the Chief of Police and Business Manager, and does not include other agents or employes of said city. All city officers and employes shall enter into such bond for the faithful performance of their duties as the Board of Commissioners may require, by ordinance or resolution, and shall perform such other and further duties as the Board of Commissioners may from time to time prescribe.

Sec. 17. All qualified electors of the State who shall have resided for six months immediately preceding the election within the limits of the city shall have the right to vote for commissioners and all other elective officers of said city, but in all elections to determine the expenditure of money, or assumption of debt or levy special taxes, only those shall be qualified to vote who pay taxes as defined in (c) Sec. 10, Art. I of this charter.

Sec. 18. The Board of Commissioners shall have the right to remit in whole or in part, any fine or penalty belonging to the city, which may be imposed under any ordinance or resolution passed in pursuance of this act.

Sec. 19. No lien of any kind can ever exist against the public halls, parks or public works of the City of Collinsville. All subcontractors, material men, mechanics and laborers upon any public works of the City of Collinsville are hereby required to notify the city of all claims they may have on account of such work against the city, and when such notice has been given the city shall retain an amount from any funds due the contractors sufficient to satisfy all claims; provided, that such notice may be given at any time after such

indebtedness becomes due and before final settlement; and, provided further, that no contractor or subcontractor shall issue any time checks on or on account of any public works of said city.

Sec. 20. The Board of Commissioners shall require good and sufficient bonds of all contractors with at least two good and sufficient sureties, who shall be residents of the State of Oklahoma. No non-resident of the State shall ever be received as surety on any bond payable to the City of Collinsville, except such guarantee companies as may be satisfactory to the Board of Commissioners and in all cases at least one of the sureties must be a resident of Rogers County, Oklahoma. Bondmen shall give such proof of their solvency as may be required by the Board of Commissioners.

Sec. 21. All appropriations made or set apart for the payment of any interest or sinking fund, or both, shall under no circumstances ever be diverted to any other purpose, except it may be invested as provided by the laws of the State of Oklahoma.

Sec. 22. All questions arising in administering said city government, and not provided for in this act, shall be governed by the State law in such cases made and provided.

Sec. 23. This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been pleaded or read in evidence.

Sec. 24. The Board of Commissioners shall have the power to prohibit the working of State convicts within corporate limits of the city.

Sec. 25. The Board of Commissioners shall have power to prohibit minors from going and being on the public streets and in public places in the City of Collinsville between the hours of 9 o'clock p. m. and 4 o'clock a. m. at night, without the consent of their parents or guardians.

Sec. 26. The Board of Commissioners are hereby empowered and authorized to exempt from municipal taxation for a period of not exceeding five years, manufacturing establishments and public utilities, as an inducement to their location in the city, when ratified by a majority vote of the tax-paying voters voting then on at a special or general election.

Sec. 27. All elections shall be held in the manner provided by the general election laws of the State of Oklahoma, as far as the same may be applicable and in other respects in accordance with the provisions of this charter and the ordinances of the city made by authority hereof. It shall be the duty of the Board of Commissioners to divide the city into a convenient number of election districts or precincts, and at least ten days before any election shall be held in the city, the Board of Commissioners shall provide for a polling place in each of such election districts or precincts, and shall give notice for not less than three days in a daily newspaper or one time in a weekly newspaper in the City of Collinsville of the selection of such polling places.

Sec. 28. The judges of election shall be qualified voters in the city and the election district or precinct where they are to act, and all election boards, clerks, judges and other officers of election shall, as provided for in the general election laws of the State of Oklahoma, and by the provisions of this charter, and shall perform the duties imposed by such election law, and this charter; provided, that the election returns shall be made to the Board of Commissioners, and the duties required to be performed by the County Election Board shall be performed by the Board of Commissioners of the City of Collinsville, and the duties to be performed by the Sheriff shall be performed by the Chief of police of the City of Collinsville; and the city officers are hereby required to perform the various duties herein pro-

vided in the State Election Laws prescribed for the county officers, in whose stead they act, subject to the same penalties and provisions prescribed by said election laws as to such officers, all general election days shall be holidays in the city.

Sec. 29. Every person elected or appointed to any office in the City of Collinsville shall, before he enters upon his duties, take the official oath prescribed by the State Constitution, and such additional oaths as the Board of Commissioners may prescribe to secure a faithful performance of duty.

Any officer ceasing to possess any of the qualifications required of him at the time of his election shall thereby vacate his office and the same shall be filled as herein provided.

Sec. 30. All rules and regulations and ordinances concerning the police and fire departments of the City of Collinsville in force when this act goes into effect, and which are not in conflict with this act, shall be and remain in force until altered, amended or repealed by the Board of Commissioners; and all such rules and regulations and ordinances as may be in conflict with this act are hereby repealed. No person shall be eligible to appointment, or to be appointed, or serve as a policeman, officer of police or fireman of the City of Collinsville who shall have been convicted of any offense, the punishment of which may be confinement in the State Penitentiary; nor shall any person be appointed who is not shown to be of good character, or who can not read and write the English language, or who does not possess ordinary physical strength and courage. Firemen of the City of Collinsville shall hold their positions during good behavior, and shall not be removed from same except for such cause as in the opinion of the Board of Commissioners renders them unfit to remain in the service of the city, and after written notice, giving the grounds for such discharge or removal and an

opportunity to be heard on such charges or reasons.

The Board of Commissioners shall have the authority to make provision for the care and sustenance of policemen and firemen who have been disabled while in the active discharge of their duties in the service of the city, or who after long and continuous service have become, by reason of old age and infirmities, incapacitated to discharge their duties. After January 1, 1914, all policemen and firemen who shall have served continuously for ten consecutive years and who have not been found guilty of any charges for violation of any of the rules of said department, shall each receive as salary the sum of \$2.50 per month in addition to their regular salaries; for fifteen years of such service, \$5 per month in addition to their regular salaries; for twenty years of such service, \$7.50 per month in addition to their regular salaries; for twenty-five years of such service, \$10 per month in addition to their regular salaries.

Sec. 31. It shall be the duty of the Mayor, as soon as this act shall take effect, to order an election on the third Wednesday after this charter takes effect, at which election three commissioners shall be elected at large in the City of Collinsville. If for any reason the Mayor shall fail to make such call for said election within five days after this act becomes a law, then it shall be the duty of the County Judge of Rogers County to issue said call for said election and to give ten days' notice thereof. Said election shall be held according to the laws of the State of Oklahoma applicable thereto, except where the same may be in conflict with the provisions of this charter. The judges and clerks of said election shall be qualified voters of the City of Collinsville and shall receive such compensation and perform such duties as may be provided by law and ordinances of the City of Collinsville. In case such judges

so appointed fails or refuses to act, or in case no judge of election appears to open the polls the attending qualified voters shall appoint such officers, who shall have the same powers and perform all the duties of presiding judges of election. But in such cases such judges shall, in their return, certify that the judges of election acting as such, were duly elected by the electors present, naming at least three such qualified electors present and voting. The three commissioners elected at said election, as provided herein, shall hold their respective offices, perform their duties and receive their pay until their successors are elected and qualified.

Sec. 32. It shall be unlawful for any person to incumber or obstruct any street, highway or grounds of the City of Collinsville with any posts, boxes, lumber, fences, or with anything else. Any person violating the provisions of this section shall be subject to a fine in any sum in the Police Court, not exceeding two hundred dollars, and each and every day that any obstruction shall exist shall constitute a separate and distinct offense.

Sec. 33. No officer or employe of the City of Collinsville shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise, privilege or easement from said city, during the term of office of such officer, or during employment of such employe, except as may be authorized by law or ordinance. Any officer or employe of the city who shall violate the provisions of this section shall be adjudged guilty of a misdemeanor and shall be imprisoned in the county jail not less than three months nor more than twelve months, or shall be fined not less than five hundred dollars nor more than one thousand dollars, or may be punished with both such fine and imprisonment, and shall be subject to removal from office *ipso facto*.

Sec. 34. No contract shall be entered

into by the Board of Commissioners until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts shall be made upon specifications, and no contract shall be binding upon the city unless it has been signed by the chairman of the Board of Commissioners, and countersigned by one other member of said Board of Commissioners, and the expense thereof charged to the proper appropriation; and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be entered into by the Board of Commissioners.

Sec. 35. In addition to all powers elsewhere granted in this charter, the City of Collinsville shall have power to prohibit the erection, construction and maintenance of oil houses, where oil is stored, or oil yards in any portion of the city and to prohibit the erection of such oil houses or oil yards where oil is stored within certain distances of the main lines of any railroad, and to prohibit the erection and location of oil houses and the storing of same in any part of the residence district of the city, and authorize the inspection of all such oil houses and oil yards; and to require the building or construction of oil houses out of fireproof material. To require the construction of suitable fire escapes on or in hotels, lodging houses or other buildings, whether now built or hereafter to be built; to regulate the construction of all passenger or freight elevators used in buildings, and to provide for their inspection, and to pass all suitable laws necessary for the safety and protection of life or property in the use of such elevators; to regulate and prohibit the construction of livery stables or blacksmith shops in the residence portion of the City of Collinsville, to prohibit the erection or construction of any building or structure of any kind within the City of Collinsville without a permit first having been issued by the

city for the construction or erection of such building or structure, and to authorize a fee to be charged for such permit; to authorize the inspection by the city of all buildings or structures during the progress of their construction, to require that all buildings shall be constructed in conformity to the building regulations which may exist in said city, or which shall hereafter be passed.

Sec. 36. The Board of Commissioners shall have power to summon and compel the attendance of witnesses, and the production of books and papers before them whenever it may be necessary for the more effective discharge of their duties. All process shall be signed by the chairman of the Board of Commissioners and attested by one other member of the board, and shall be served by the Chief of Police or any police officer of the said city.

Sec. 37. In the event any part, article, section or subdivision of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the act, but the same shall continue in full force and effect notwithstanding such holding.

Sec. 38. Whenever any power, authority or right is conferred herein upon the City of Collinsville, or upon the Board of Commissioners, and provisions are incorporated herein for the exercise thereof in different ways, each of such provisions shall be held and construed to be cumulative of the other referring to the same subject, and in such cases the Board of Commissioners shall be empowered to use its own discretion with respect to which of such powers it shall exercise.

Sec. 39. All elections for the approval or rejection of bond issues, the granting of franchises and the levying of special taxes, wherein such matters shall be submitted to a vote of the taxpayers of the city, shall be held at a general or special election in said City.



of Collinsville, and the elections held to elect members of the Board of Commissioners shall be the only elections in said city which shall be denominated general elections.

Sec. 40. No real estate belonging to the city shall ever be disposed of by sale, gift, lease or otherwise, except when a majority of the tax-paying voters shall vote therefor at a general or special election, and no other property of the city shall be disposed of except by the same conditions, unless it be of less than \$1,000.00 in value.

Sec. 41. The Chief Executive of the City of Collinsville, under this charter, shall be the chairman of the Board of Commissioners or any other member of the Board of Commissioners acting in his stead during his absence from the city, or by reason of sickness, or disqualification from performing his official duties from any cause.

Sec. 42. The laws of the State as relates to School Boards in cities of the first class shall apply to the School Board and Treasurer, except as herein provided.

Sec. 43. The Clerk of the School Board shall receive such compensation as the board shall determine by resolution.

Sec. 44. The City of Collinsville shall not be allowed to be indebted in any manner or for any purpose to an amount exceeding in any one year the income and revenue provided for such year, without the assent of three-fifths of the voters thereof, voting at an election to be held for that purpose, nor in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount, including existing indebtedness in the aggregate, exceeding five per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and County purposes, previous to the incurring of such indebtedness requiring the assent of the voters as aforesaid it shall have the power to provide for, and be

fore, or at the time of incurring such indebtedness it shall provide for the collection of an annual tax in addition to the other taxes provided for by this charter sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

Sec. 45. Every officer who shall approve, allow or lay any demand on the Treasury of the city not authorized by law, ordinance, or this charter shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Sec. 46. When this charter shall be adopted and approved in the manner provided by law, the provisions herein made relative to the duties and authority of the Board of Commissioners shall be held in abeyance until the election and qualification of the members of said Board of Commissioners, and all powers now held and duties performed by the present Mayor, City Clerk, Councilmen, Chief of Police and other officials of the City of Collinsville, Oklahoma, shall continue to be held and performed by them until the election and qualification of the Board of Commissioners as by this charter provided.

Sec. 47. In all sanitary sewer districts in which there is a sanitary sewer constructed at the time of the adoption of this charter, there shall be a physical connection with said sanitary sewer of every building or structure of every kind whatsoever on each lot, part of lot or piece of ground abutting upon said sanitary sewer, and said connection shall be equipped with such lavatories, sinks, closets and other appurtenances as may be necessary to provide said building or structures with proper sanitary facilities. If the owner, or agent in charge of any property located in a sanitary sewer district, as above described, shall fail or refuse to

comply with the provisions herein made, the Board of Commissioners shall, at the end of ninety (90) days from the date of the adoption and approval of this charter, as provided by law, advertise for two weeks in some weekly newspaper, or three times in a daily newspaper, published and of general circulation in the City of Collinsville, for bids to make said connection and install lavatories, closets, sinks and other appurtenances necessary to properly equip each and every building or structure as herein mentioned, with proper sanitary facilities. The advertisement for the equipment, herein mentioned, shall designate the lot and block number, or street and number of each house, or building to be equipped and the items to be supplied for each building, and each bidder shall give the firm name, number of catalogue, and catalogue number of each item to be supplied and the unit price of each article and the sum total for each building and total of all buildings to be equipped. Said work shall be let only to the lowest and best responsible bidder, and shall be paid for by Special Assessment against each piece of property and each piece of property shall be assessed according to the cost of the work done thereon, and the same shall be collected as other special taxes provided for in this charter.

Sec. 48. When a sanitary sewer shall be built or constructed in the city after the adoption and approval of this charter, as provided by law, each and every building or structure located on any lot, part of lot or piece of ground abutting thereon shall be connected with said sewer within ninety (90) days from the completion and acceptance of said sewer and shall be equipped with the necessary sinks, lavatories, closets and other appurtenances to give the occupants thereof proper sanitary facilities. Should the owner or agent of the property fail or refuse to so connect said property within ninety (90) days from

the completion and acceptance of said sewer, the Board of Commissioners shall advertise two (2) weeks in some weekly newspaper, or three times in a daily newspaper published and of general circulation in the city, for sealed bids, to connect said property and furnish same with the necessary equipment as hereinbefore mentioned. Each bidder shall give the firm name, number of catalogue, and catalogue number of each article and the price thereof, for each building or structure to be connected as herein provided, and shall give the total cost for each building or structure, and the total amount for all work proposed. Said work shall be let only to the lowest and best responsible bidders, and shall be paid for by Special Assessment against each piece of property and each piece of property shall be assessed according to the cost of the work done thereon, and the same shall be collected as other special taxes provided for in this charter.

Sec. 49. Library Board. The Board of Commissioners may appoint a Library Board and by ordinance provide for its organization and prescribe its powers and duties. In the event of such appointment, the members of such Library Board shall serve without compensation.

Sec. 50. Park Board. The Board of Commissioners may, when the city has funds available for park purposes, appoint a park board, and by ordinance provide for its organization and prescribe its powers and duties. In the event of such appointment the members of such park board shall serve without compensation.

Sec. 51. Amendments. Whenever a petition containing a proposed amendment to this charter signed by a number of qualified electors of said city equal to 25 per cent of the total number of votes cast at the next preceding general municipal election, shall be filed in the office of the Business Manager, the Board of Commissioners shall sub-

mit such proposed amendments to the qualified electors of the city at the next election held in the city, except an election invoking the recall provisions of this charter and if at such election a majority of said electors voting thereon shall vote for said proposed amendment, the same shall thereupon become an amendment to, and a part of this charter when approved by the Governor and filed in the same manner and form as this charter.

Sec. 52. Repeals. This charter and any provisions thereof, or any amendment thereto, may be repealed in the same manner and to the same effect as provided in section 51 of this article for amendments.

Sec. 53. The Board of Commissioners shall, by ordinance, fix the rates to be charged and paid for the supply of lights and water and for the benefits thereof, to consumers, and from time to time may modify, amend, increase or diminish the same; shall establish regulations for the use of lights and water by consumers, and may impose fines and penalties for the violation thereof.

Sec. 54. No person, firm or corporation shall be allowed free use of lights or water, nor shall there be any discrimination among light and water

users of like classes as to rates, and rebates in rates shall never be allowed to any person, firm or corporation, except as an inducement to prompt payment of light and water rates; provided, however, that the Board of Commissioners shall have power to reduce such rates for use of water and electric current so fixed for a period not exceeding two years, to manufacturing establishments and industrial plants, as an inducement to their location in or near said city, when so authorized by a majority of the legal taxpaying voters, voting at a regular or special election.

Sec. 55. Each commissioner and each member of the Police Department, and Business Manager in addition to the power of enforcing ordinances of the city, shall have the same police powers as are given to a constable in making arrests and preserving the peace and safety within the City of Collinsville; provided, that such officer shall have such power over territory outside the city but under its control as may be conferred by the laws of the State.

Sec. 56. Any violations of the provisions of this charter or of any of the ordinances of the city which now exist, or may hereafter be adopted shall be liable to such fine or imprisonment as is or may be prescribed by ordinance.

# CERTIFICATE

We, the undersigned, being more than a majority of the Board of Freeholders, elected at a duly and legally called election, held in and for the City of Collinsville, on the tenth day of September, 1913, said election being called for the purpose of electing two freeholders from each ward in the City of Collinsville for the purpose of framing a charter for the City of Collinsville to be submitted to the voters of the said City

of Collinsville, do hereby certify that the within and foregoing is the original charter, adopted by us, to be submitted to the people of the City of Collinsville for approval, and that all interlineations therein contained, and all the erasures and words stricken out, were made and done before the same was signed by the president and Secretary of said Board of Freeholders and by the members thereof.

In witness whereof, we have hereunto executed the foregoing charter in duplicate this 24th day of November, 1913.

F. A. McCORMICK,  
Pres. and Member from Second Ward.

G. L. CARPENTER,  
Sec. and Member from Second Ward.

A. J. BROWN,  
Member of the Board, First Ward.

.....  
Member of the Board, First Ward.

E. E. BATEMAN,  
Member of the Board, Third Ward.

H. P. SMITH,  
Member of the Board, Third Ward.

.....  
Member of the Board, Fourth Ward.

.....  
Member of the Board, Fourth Ward.

Filed with T. J. Rowland, Mayor of Collinsville, Oklahoma, this 24th day of November, 1913.

T. J. ROWLAND.

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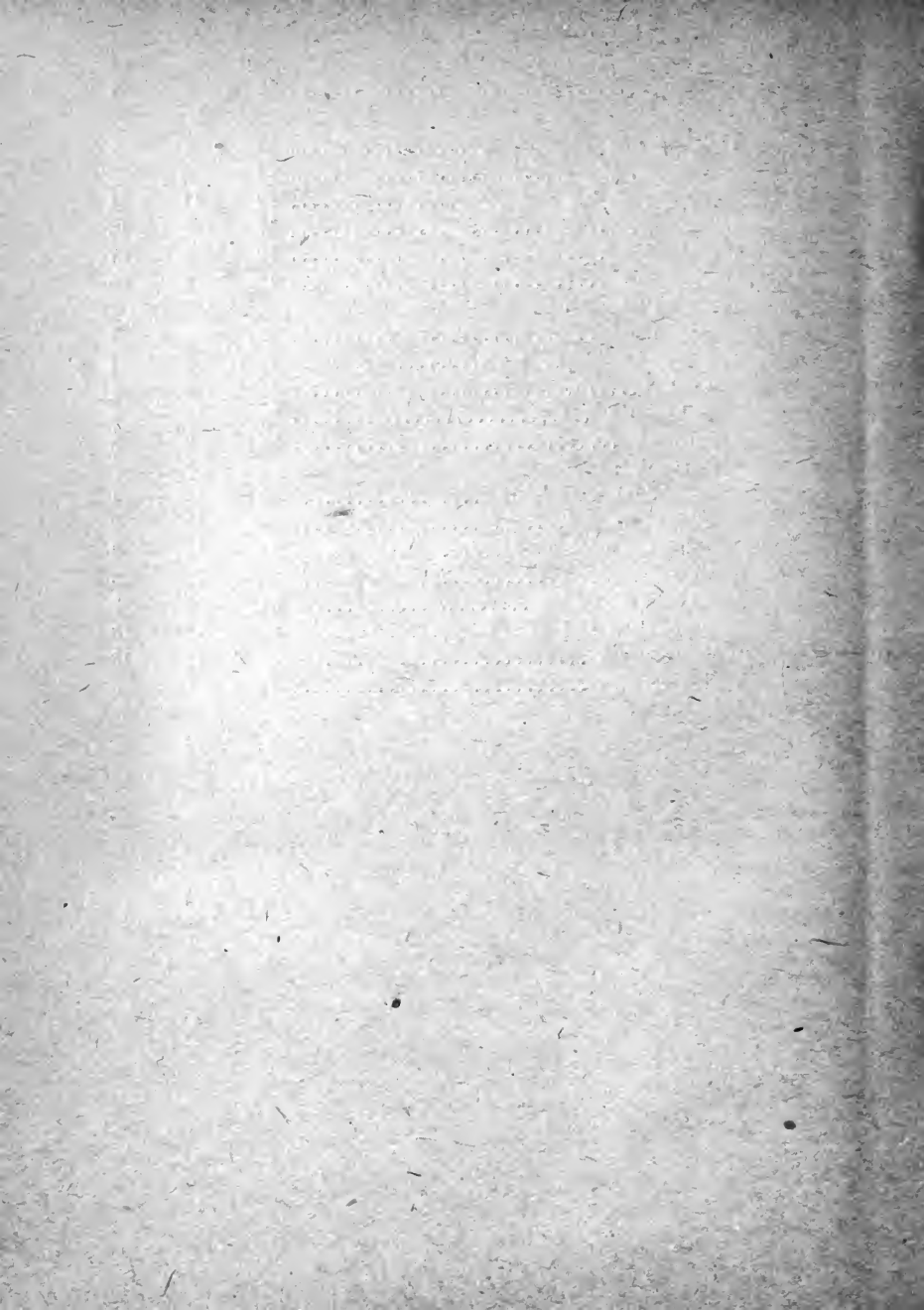
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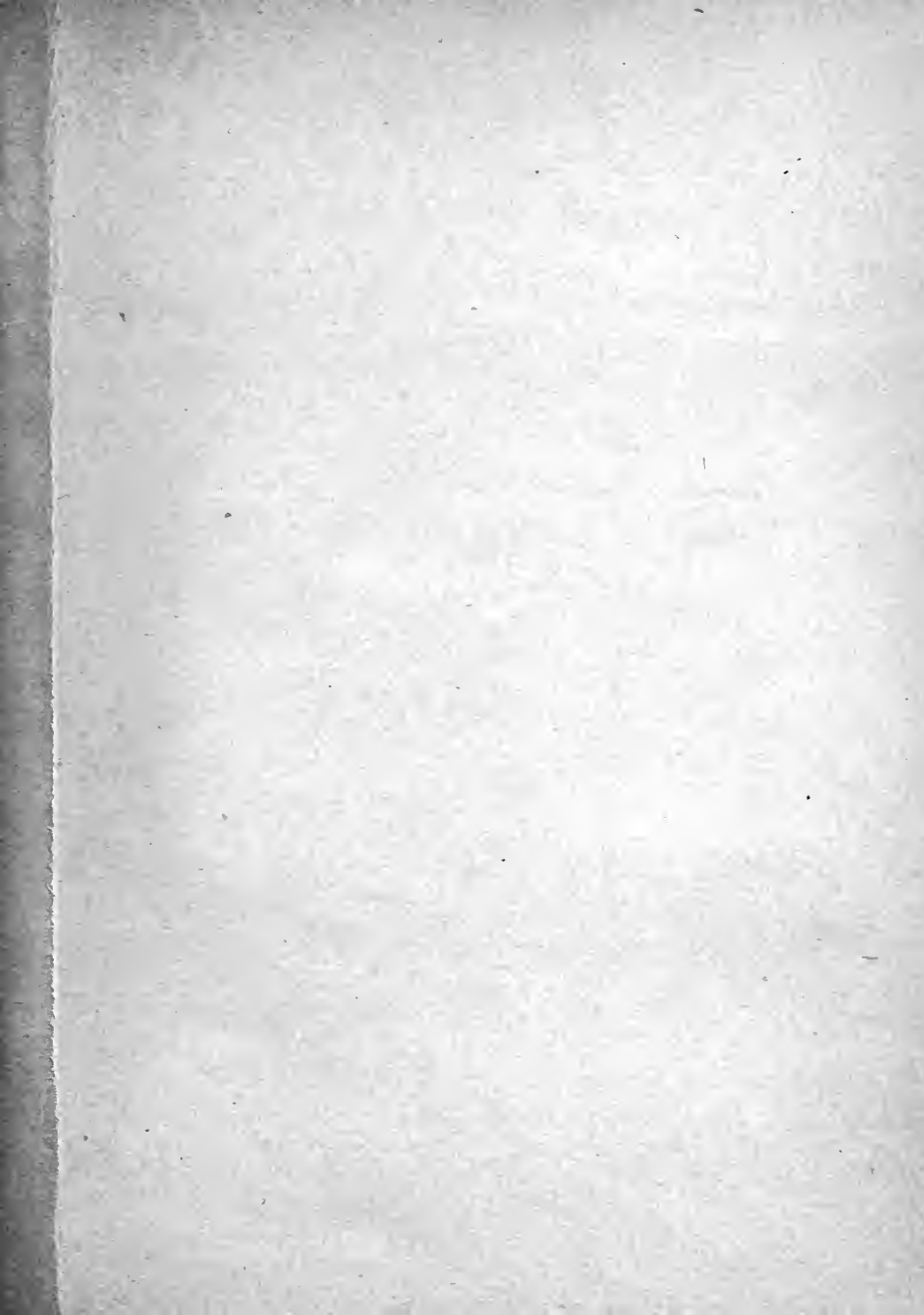
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Wm. M. Gresham, City Clerk

I, D. J. Matthews, Register of Deeds for Rogers County, State of Oklahoma, hereby certify that I have this day, November 25th, 1913, filed Charter of the City of Collinsville, Oklahoma, in our Chattel Index No. 4, Page 47.

D. J. MATTHEWS,  
Register of Deeds.

(SEAL.)

I, Benjamin F. Harrison, Secretary of State of Oklahoma, do hereby certify that the charter of the City of Collinsville, Oklahoma was approved by the Governor and filed in this office January 19, 1914.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Oklahoma, this the 16th day of April, A. D. 1914.

(Signed) BENJAMIN F. HARRISON,  
Secretary of State.

(SEAL.)

STATE OF OKLAHOMA, COUNTY OF ROGERS, SS:

I, Wm. M. Gresham, the duly qualified and acting Clerk of the City of Collinsville, county and state aforesaid, hereby certify that the within and foregoing is a true and complete copy of the Charter of the City of Collinsville, as prepared by the Board of Freeholders elected September 10, 1913, and executed in duplicate November 24, 1913, and filed with the Mayor and in the office of the Recorder of Deeds of Rogers County, November 25th, 1913, and adopted by the people January 9, 1914, and approved by Lee Cruce, Governor of the State of Oklahoma, January 19, 1914, and filed in the office of the Secretary of State; and the first officers filed their bond and took their offices February 21, 1914.

JAN 22 1915

Dated.....

*Wm. M. Gresham*

City Clerk.

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